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Henry Clay before the Senate

Photogravure from the original picture by P. F. Rothermel

THE speech of Henry Clay delivered in 1850 during the debate of the Compromise question is one of the most memorable in the annals of American political oratory. "I speak to-day," he said, "for the preservation of the Union." There can be no doubt that he voiced the sentiment of the country in that burst of argument and eloquence which was instrumental in eventually keeping the States still united. In the picture before us are seen the intellectual giants who joined in the debate, viz.: Daniel Webster of Massachusetts, Lewis Cass of Michigan, William H. Seward of New York, John C. Calhoun of South Carolina, Truman Smith of Connecticut, as well as Hale, Houston, Chase, and a host of others, who re-echoed the sentiment of Clay. The scene is depicted in a lively manner by the artist, and especially is to be noted the impetuous attitude of the orator and the fixed attention exhibited on the faces of those who surround him.

ORATIONS

OF

AMERICAN ORATORS

INCLUDING BIOGRAPHICAL AND CRITICAL SKETCHES

WITH A SPECIAL INTRODUCTION BY

JULIAN HAWTHORNE

REVISED EDITION

VOLUME I

NEW YORK

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SPECIAL INTRODUCTION

THE story of American oratory covers a space of but a century; for orators since the epoch of the Civil War have been few, and their efforts, not being animated by any overpowering national exigency, but the outcome, rather, of occasional or even of personal suggestions, show more of the academic and premeditated quality than of that great and towering emotion for generous ends which cannot withhold itself from expression.

But brief though the period of our best eloquence may be, it is crowded with splendid and inspiring examples. It might not at first seem probable that the stern and reticent Puritan nature, or even those descendants of less severe ancestry whose scattered settlements covered the broad expanse of the Southern country, would furnish a suitable soil for the production of eloquence. But this is merely another illustration of the truth that eloquence is a veritable daughter of the skies, who comes to men not after the flesh, but after the spirit. The orator is not the creature of heredity; there is no gift vouchsafed to man which is so individual, and manifests itself so unexpectedly and sometimes unaccountably, as that of moving other men by spoken words. And if the sober men who first tenanted the new continent were trained to husband their speech, and to utter naught out of measure or with unseemliness, we may well imagine that when the long oppression and insolence of England at length passed the point where endurance was a virtue, there set in a reaction against fetters of speech as well as against those of civil liberty, which gave to the appeals and denunciations of our first great orators a power more irresistible than any that is born of rule and precept. The orators of the years immediately preceding the Revolution seem indeed to possess an almost miraculous inspiration. When Otis spoke, his audience became a company of heroes; and from the lips of Samuel Adams our inchoate colonial population learned to crystallize into a nation, and to

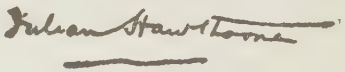
remain steadfast under whatever arrogant threats from abroad or busy treachery at home might menace their existence or sap their constancy. John Adams was as a wall of iron round the growing republic, against which the blows of the enemy fell only to bring forth ringing notes of defiance. Patrick Henry, the awkward country boy from the wilds of Virginia, was trumpet-tongued when his eyes opened upon the vision of independence; and John Hancock bore as courageous a heart beneath his embroidered waistcoat, and as unconquerable a voice for liberty and justice sounded from his aristocratic lungs as ever roused a populace or made oppressors tremble. In our great emergency, the men to stimulate and direct our action were not wanting; and during the hardly less critical period when the obligation was upon us to create rules for the conduct of the commonwealth which should be worthy of the sufferings we had undergone and the responsiblities we had incurred, there rose from our ranks a company of statesmen who in nobility of speech and wisdom of procedure may well bear comparison with any others whose fame has been bequeathed to history. Then came forward the great Jefferson, more effective doubtless with the pen than with the spoken word, but immortal among our forefathers; the brilliant, deeply-planning, generous Hamilton; Morris, the eloquent mourner at his tragic grave; and the unforgettable names of Jay, Madison, Pinckney and Ames. The speeches made by these men and others during the making of the constitution, which is admitted by a foreign critic so competent as Gladstone to be the greatest product of statesmanship ever accomplished at one stroke, prove that America possesses intellectual resources commensurate with her commercial and political magnitude. No better school than is afforded by these addresses need be sought by anyone desirous of perfecting himself in the science and art of building, governing and maintaining a state. Few, indeed, are the debates of our contemporary Congresses in which any thoughts are developed, or expedients devised, which had not already been discussed or foreshadowed by these extraordinary men at the close of the eighteenth century and the opening of the nineteenth. They did their work well; and had we always remained faithful to their teachings, and heedful of their warnings, we would doubtless have escaped most of such ills as have befallen us, or minimized their effect.

Following the constitutional period comes the famous era of Clay, Webster, Calhoun and Randolph; the era when the question of slavery began to force itself into a prominence which was first the subject of regret and then of alarm to the far-seeing and patriotic legislators who stood at the head of our affairs. Their great orations were more elaborate and meditated than those of the former generations; yet they were touched by the true Promethean fire, and electrified those who listened to them to passionate heights of emotion that seem strange to us to-day. Yet if we imaginatively reconstruct the conditions under which they were delivered, and supply so far as we may the magic of the speaker's presence, his gesture and his voice, we may partly comprehend the depth and reach of his influence. The matchless persuasiveness and fiery flights of Clay were well balanced against the organ tones, the Jovian front, and the profound intellectual command of Webster. These two were in their own class, solitary and unapproachable. Their companions would have seemed giants, but for them; as it is, the greatness of the mighty pair can best be gauged by comparing them with any and all of the rest. But even they, with all their efforts, were unable to hinder the advance of a destiny which was the will of one mightier than man; which, while seeming to mortal foresight to involve the inevitable doom of the republic, worked out at last, through blood and fire, the emancipation and union of the whole people.

When the war came, and Webster and Clay were no more, the voice of the cannon seemed for a time to overpower all human voices. But in truth the nation was not left without its spokesmen. Seward held aloft the banner of truth and right with a courage and ability that gradually compelled the homage and fealty of all; the savage and unrelenting eloquence of Sumner formulated in uncompromising words our duties and our dangers. The pure and penetrating flame of Wendell Phillip's undaunted tongue vindicated the moral obligations of negro emancipation; and men like Stephens and Douglas broadened the field of political discussion to national dimensions. Lincoln, loftiest figure of the age, and withal the most tenderly human, touched the depths of every heart in the few immortal words in which he summoned us to consecrate ourselves to the task of proving that those who died for their country on the field

of battle, had not died in vain. And then the thunders ceased, and the war cloud was withdrawn, and the generation of yesterday and to-day began.

It is a splendid and an inspiring story which we should lay to heart, in order that the sons of these sires may prove not unworthy of them.



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AMERICAN INDEPENDENCE

—

BY

SAMUEL ADAMS

SAMUEL ADAMS

1722—1803

Samuel Adams was born in Boston, Mass., on September 27, 1722; and died in the same town on October 2, 1803; after seeing the nation which he had largely helped to create take her place securely among the peoples of the earth. In this long life of more than fourscore years he had worked faithfully, thought energetically, and spoken powerfully in the highest cause that could enlist the devotion of a man.

For many years before the Revolution was an accomplished fact, Samuel Adams foresaw its approach, and at town meetings and in private assemblies he prophesied and warned. Adams not only believed that England would drive the colonies to rebellion, but he desired that consummation, and wished to do all that in him lay to bring it about, if it failed to come fast enough of itself. He demanded justice from England; but in his heart he was sure that justice would never be accorded save at the point of the sword. He advocated the right of representation under taxation; but he was convinced that the British Parliament would never acknowledge that colonists merited seats in their assembly, but would indorse the suave argument of Lord Mansfield, that already they were as much represented as half the boroughs of England. So, by the logic of his private meditations, he perceived that the only outcome of the situation would be either slavery or independence; and with the whole power of his heart he labored and planned for the latter consummation.

The record of Samuel Adams is soon recounted; but how much is told by those few and simple facts! He was educated at Harvard, where he was graduated in 1743. He at first intended to become a clergyman, but entered politics instead, and was elected to the Legislature in 1766. He was one of the pioneers in the preliminary agitations which preceded the Revolution and in a measure precipitated the outbreak; he was a delegate to the first Continental Congress; in the second Congress he was one of the weightiest members; when the Declaration of Independence was written and lay on the table for signatures, he took the pen, and his life in his hand, affixed his name upon the immortal roll. When the ratifying convention was held in Massachusetts, Samuel Adams was there, and his voice gave out no ambiguous sound. And when the long war was over, and the new nation began the work of governing itself, he was chosen, in 1789, Lieutenant-Governor, and in 1794, Governor, of his native State.

Few of his speeches have come down to us; and possibly we do not lose much in losing the written record of the words he spoke. He was no rhetorician; he cared not even whether grammarians could pick flaws in his sentences. It was enough for him that those sentences meant war, liberty, and independence, and were so understood by his hearers. His personal character stood up in the land like a mighty pillar, compelling homage and awakening courage. What he thought and uttered, bore an influence because it came from him; what were lesser men, that they should question him? He was more active with his pen than with his voice; and his writings passed from hand to hand, and were learned by heart in places where his form was never seen. His speech on "American Independence" is one of the many fiery orations that spontaneously burst from his lips in the tumultuous days of King George's oppression.

AMERICAN INDEPENDENCE

Delivered at the State House, in Philadelphia, August 1, 1776

COUNTRYMEN AND BRETHREN: I would gladly have declined an honor, to which I find myself unequal. I have not the calmness and impartiality which the infinite importance of this occasion demands. I will not deny the charge of my enemies, that resentment for the accumulated injuries of our country, and an ardor for her glory, rising to enthusiasm, may deprive me of that accuracy of judgment and expression which men of cooler passions may possess. Let me beseech you, then, to hear me with caution, to examine without prejudice, and to correct the mistakes into which I may be hurried by my zeal.

Truth loves an appeal to the common-sense of mankind. Your unperverted understandings can best determine on subjects of a practical nature. The positions and plans which are said to be above the comprehension of the multitude may be always suspected to be visionary and fruitless. He who made all men hath made the truths necessary to human happiness obvious to all.

Our forefathers threw off the yoke of popery in religion; for you is reserved the honor of levelling the popery of politics. They opened the Bible to all, and maintained the capacity of every man to judge for himself in religion. Are we sufficient for the comprehension of the sublimest spiritual truths, and unequal to material and temporal ones? Heaven hath trusted us with the management of things for eternity, and man denies us ability to judge of the present, or to know from our feelings the experience that will make us happy. "You can discern," say they, "objects distant and remote, but cannot perceive those within your grasp. Let us have the distribution of present goods, and cut out and manage as you please the interests of

futurity." This day, I trust the reign of political protestantism will commence. We have explored the temple of royalty, and found that the idol we have bowed down to, has eyes which see not, ears that hear not our prayers, and a heart like the nether millstone. We have this day restored the Sovereign, to whom alone men ought to be obedient. He reigns in Heaven, and with a propitious eye beholds his subjects assuming that freedom of thought, and dignity of self-direction which He bestowed on them. From the rising to the setting sun, may His kingdom come.

Having been a slave to the influence of opinions early acquired, and distinctions generally received, I am ever inclined not to despise but pity those who are yet in darkness. But to the eye of reason what can be more clear, than that all men have an equal right to happiness? Nature made no other distinction than that of higher or lower degrees of power of mind and body. But what mysterious distribution of character has the craft of statesmen, more fatal than priestcraft, introduced?

According to their doctrine, the offspring of perhaps the lewd embraces of a successful invader, shall, from generation to generation, arrogate the right of lavishing on their pleasures a proportion of the fruits of the earth, more than sufficient to supply the wants of thousands of their fellow-creatures; claim authority to manage them like beasts of burden, and without superior industry, capacity, or virtue, nay, though disgraceful to humanity by their ignorance, intemperance, and brutality, shall be deemed best calculated to frame laws, and to consult for the welfare of society.

Were the talents and virtues, which Heaven has bestowed on men, given merely to make them more obedient drudges, to be sacrificed to the follies and ambition of a few? or, were not the noble gifts so equally dispensed with a divine purpose and law, that they should as nearly as possible be equally exerted, and the blessings of Providence be equally enjoyed by all? Away then, with those absurd systems, which, to gratify the pride of a few, debase the greatest part of our species below the order of men. What an affront to the King of the universe, to maintain that the happiness of a monster, sunk in debauchery and spreading desolation and murder among men, of a Caligula, a Nero, or a Charles, is more precious in his sight than

that of millions of his suppliant creatures, who do justice, love mercy, and walk humbly with their God! No! in the judgment of Heaven there is no other superiority among men, than a superiority in wisdom and virtue. And can we have a safer model in forming ours? The Diety then has not given any order or family of men authority over others, and if any men have given it, they only could give it for themselves. Our forefathers, 'tis said, consented to be subject to the laws of Great Britain. I will not, at present, dispute it, nor mark out the limits and conditions of their submission; but will it be denied that they contracted to pay obedience, and to be under the control of Great Britain, because it appeared to them most beneficial in their then present circumstances and situations? We, my countrymen, have the same right to consult and provide for our happiness, which they had to promote theirs. If they had a view to posterity in their contracts, it must have been to advance the felicity of their descendants. If they erred in their expectations and prospects, we can never be condemned for a conduct which they would have recommended had they foreseen our present condition.

Ye darkeners of counsel, who would make the property, lives, and religion of millions, depend on the evasive interpretations of musty parchments; who would send us to antiquated charters, of uncertain and contradictory meaning, to prove that the present generation are not bound to be victims to cruel and unforgiving despotism, tell us whether our pious and generous ancestors bequeathed to us the miserable privilege of having the rewards of our honest industry, the fruits of those fields which they purchased and bled for, wrested from us at the will of men over whom we have no check? Did they contract for us that, with folded arms, we should expect that justice and mercy from brutal and inflamed invaders which have been denied to our supplications at the foot of the throne? Were we to hear our character as a people ridiculed with indifference? Did they promise for us that our meekness and patience should be insulted; our coasts harassed; our towns demolished and plundered, and our wives and offspring exposed to nakedness, hunger and death, without our feeling the resentment of men, and exerting those powers of self-preservation which God has given us? No man had once a greater veneration for English-

men than I entertained. They were dear to me as branches of the same parental trunk, and partakers of the same religion and laws; I still view with respect the remains of the constitution as I would a lifeless body which had once been animated by a great and heroic soul. But when I am roused by the din of arms; when I behold legions of foreign assassins, paid by Englishmen to imbrue their hands in our blood; when I tread over the uncoffined bones of my countrymen, neighbors and friends; when I see the locks of a venerable father torn by savage hands, and a feeble mother, clasping her infants to her bosom, and on her knees imploring their lives from her own slaves, whom Englishmen have allured to treachery and murder; when I behold my country, once the seat of industry, peace, and plenty, changed by Englishmen to a theatre of blood and misery, Heaven forgive me, if I cannot root out those passions which it has implanted in my bosom, and detest submission to a people who have either ceased to be human, or have not virtue enough to feel their own wretchedness and servitude.

Men who content themselves with the semblance of truth, and a display of words, talk much of our obligations to Great Britain for protection! Had she a single eye to our advantage? A nation of shopkeepers are very seldom so disinterested. Let us not be so amused with words; the extension of her commerce was her object. When she defended our coasts, she fought for her customers, and convoyed our ships loaded with wealth, which we had acquired for her by our industry. She has treated us as beasts of burden, whom the lordly masters cherish that they may carry a greater load. Let us inquire also against whom she has protected us? Against her own enemies with whom we had no quarrel, or only on her account, and against whom we always readily exerted our wealth and strength when they were required. Were these colonies backward in giving assistance to Great Britain, when they were called upon in 1739, to aid the expedition against Carthagena? They at that time sent three thousand men to join the British army, although the war commenced without their consent. But the last war, 'tis said, was purely American. This is a vulgar error, which, like many others, has gained credit by being confidently repeated. The dispute between the Courts of Great Britain and France related to the limits of Canada and Nova Scotia. The contro-

verted territory was not claimed by any in the colonies, but by the Crown of Great Britain. It was therefore their own quarrel. The infringement of a right which England had, by the treaty of Utrecht, of trading in the Indian country of Ohio, was another cause of the war. The French seized large quantities of British manufactures, and took possession of a fort which a company of British merchants and factors had erected for the security of their commerce. The war was therefore waged in defence of lands claimed by the Crown, and for the protection of British property. The French at that time had no quarrel with America; and, as appears by letters sent from their commander-in-chief, to some of the colonies, wished to remain in peace with us. The part therefore which we then took, and the miseries to which we exposed ourselves, ought to be charged to our affection for Britain. These colonies granted more than their proportion to the support of the war. They raised, clothed, and maintained, nearly twenty-five thousand men, and so sensible were the people of England of our great exertions, that a message was annually sent to the House of Commons purporting: "That His Majesty, being highly satisfied of the zeal and vigor with which his faithful subjects in North America had exerted themselves in defence of His Majesty's just rights and possessions, recommended it to the House, to take the same into consideration, and enable him to give them a proper compensation."

But what purpose can arguments of this kind answer? Did the protection we received annul our rights as men, and lay us under an obligation of being miserable?

Who among you, my countrymen, that is a father, would claim authority to make your child a slave because you had nourished him in his infancy?

It is a strange species of generosity which requires a return infinitely more valuable than anything it could have bestowed; that demands as a reward for a defence of our property, a surrender of those inestimable privileges, to the arbitrary will of vindictive tyrants, which alone give value to that very property.

Political right and public happiness are different words for the same idea. They who wander into metaphysical labyrinths, or have recourse to original contracts, to determine the rights of men, either impose on themselves or mean to delude others.

Public utility is the only certain criterion. It is a test which brings disputes to a speedy decision, and makes it appeal to the feelings of mankind. The force of truth has obliged men to use arguments drawn from this principle who were combating it, in practice and speculation. The advocates for a despotic government, and non-resistance to the magistrate, employ reasons in favor of their systems drawn from a consideration of their tendency to promote public happiness.

The Author of Nature directs all his operations to the production of the greatest good, and has made human virtue to consist in a disposition and conduct which tend to the common felicity of his creatures. An abridgement of the natural freedom of man, by the institution of political societies, is vindicable only on this foot. How absurd, then, is it to draw arguments from the nature of civil society for the annihilation of those very ends which society was intended to procure. Men associate for their mutual advantage. Hence the good and happiness of the members, that is, the majority of the members of any state, is the great standard by which everything relating to that state must finally be determined; and though it may be supposed that a body of people may be bound by a voluntary resignation (which they have been so infatuated as to make) of all their interests to a single person, or to a few, it can never be conceived that the resignation is obligatory to their posterity; because it is manifestly contrary to the good of the whole that it should be so.

These are the sentiments of the wisest and most virtuous champions of freedom. Attend to a portion on this subject from a book in our defence, written, I had almost said by the pen of inspiration. "I lay no stress," says he, "on charters—they derive their rights from a higher source. It is inconsistent with common-sense to imagine that any people would ever think of settling in a distant country, on any such condition, or that the people from whom they withdrew should forever be masters of their property, and have power to subject them to any modes of government they pleased. And had there been express stipulations to this purpose in all the charters of the colonies, they would, in my opinion, be no more bound by them than if it had been stipulated with them that they should go naked, or expose themselves to the incursions of wolves and tigers."

Such are the opinions of every virtuous and enlightened patriot in Great Britain. Their petition to Heaven is—"That there may be one free country left upon earth, to which they may fly, when venality, luxury, and vice, shall have completed the ruin of liberty there."

Courage, then, my countrymen! our contest is not only whether we ourselves shall be free, but whether there shall be left to mankind an asylum on earth, for civil and religious liberty? Dismissing therefore the justice of our cause, as incontestable, the only question is, What is best for us to pursue in our present circumstances?

The doctrine of dependence on Great Britain is, I believe, generally exploded; but as I would attend to the honest weakness of the simplest of men, you will pardon me if I offer a few words on that subject.

We are now on this continent, to the astonishment of the world, three millions of souls united in one common cause. We have large armies, well disciplined and appointed, with commanders inferior to none in military skill, and superior in activity and zeal. We are furnished with arsenals and stores beyond our most sanguine expectations, and foreign nations are waiting to crown our success by their alliances. There are instances of, I would say, an almost astonishing Providence in our favor; our success has staggered our enemies, and almost given faith to infidels; so that we may truly say it is not our own arm which has saved us.

The hand of heaven appears to have led us on to be, perhaps, humble instruments and means in the great providential dispensation which is completing. We have fled from the political Sodom; let us not look back, lest we perish and become a monument of infamy and derision to the world! For can we ever expect more unanimity and a better preparation for defence; more infatuation of counsel among our enemies, and more valor and zeal among ourselves? The same force and resistance which are sufficient to procure us our liberties will secure us a glorious independence and support us in the dignity of free, imperial States. We cannot suppose that our opposition has made a corrupt and dissipated nation more friendly to America, or created in them a greater respect for the rights of mankind. We can therefore expect a restoration and establishment of our

privileges, and a compensation for the injuries we have received from their want of power, from their fears, and not from their virtues. The unanimity and valor, which will effect an honorable peace, can render a future contest for our liberties unnecessary. He who has strength to chain down the wolf is a madman if he lets him loose without drawing his teeth and paring his nails.

From the day on which an accommodation takes place between England and America, on any other terms than as independent States, I shall date the ruin of this country. A politic minister will study to lull us into security, by granting us the full extent of our petitions. The warm sunshine of influence would melt down the virtue, which the violence of the storm rendered more firm and unyielding. In a state of tranquillity, wealth and luxury, our descendants would forget the arts of war, and the noble activity and zeal which made their ancestors invincible. Every art of corruption would be employed to loosen the bond of union which renders our assistance formidable. When the spirit of liberty which now animates our hearts and gives success to our arms is extinct, our numbers will accelerate our ruin, and render us easier victims to tyranny. Ye abandoned minions of an infatuated ministry, if peradventure any should yet remain among us!—remember that a Warren and Montgomery are numbered among the dead. Contemplate the mangled bodies of our countrymen, and then say, What should be the reward of such sacrifices? Bid us and our posterity bow the knee, supplicate the friendship, and plough, and sow, and reap, to glut the avarice of the men who have let loose on us the dogs of war to riot in our blood, and hunt us from the face of the earth? If we love wealth better than liberty, the tranquillity of servitude, than the animating contest of freedom—go from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that ye were our countrymen.

To unite the supremacy of Great Britain and the liberty of America, is utterly impossible. So vast a continent and of such a distance from the seat of empire will every day grow more unmanageable. The motion of so unwieldy a body cannot be directed with any despatch and uniformity, without committing

to the Parliament of Great Britain powers inconsistent with our freedom. The authority and force which would be absolutely necessary for the preservation of the peace and good order of this continent, would put all our valuable rights within the reach of that nation.

As the administration of government requires firmer and more numerous supports in proportion to its extent, the burdens imposed on us would be excessive, and we should have the melancholy prospect of their increasing on our posterity. The scale of officers, from the rapacious and needy commissioner, to the haughty governor, and from the governor with his hungry train, to perhaps a licentious and prodigal viceroy, must be upheld by you and your children. The fleets and armies which will be employed to silence your murmurs and complaints must be supported by the fruits of your industry.

And yet, with all this enlargement of the expense and powers of government, the administration of it at such a distance, and over so extensive a territory, must necessarily fail of putting the laws into vigorous execution, removing private oppressions, and forming plans for the advancement of agriculture and commerce, and preserving the vast empire in any tolerable peace and security. If our posterity retain any spark of patriotism, they can never tamely submit to such burdens. This country will be made the field of bloody contention till it gains that independence for which nature formed it. It is therefore injustice and cruelty to our offspring, and would stamp us with the character of baseness and cowardice, to leave the salvation of this country to be worked out by them with accumulated difficulty and danger.

Prejudice, I confess, may warp our judgments. Let us hear the decision of Englishmen on this subject, who cannot be suspected of partiality: "The Americans," say they, "are but little short of half our number. To this number they have grown from a small body of original settlers by a very rapid increase. The probability is that they will go on to increase, and that in fifty or sixty years they will be double our number; and form a mighty empire, consisting of a variety of States, all equal or superior to ourselves in all the arts and accomplishments which give dignity and happiness to human life. In that period will they be still bound to acknowledge that supremacy over them

which we now claim? Can there be any person who will assert this, or whose mind does not revolt at the idea of a vast continent, holding all that is valuable to it, at the discretion of a handful of people on the other side the Atlantic? But if at that period this would be unreasonable, what makes it otherwise now? Draw the line if you can. But there is still a greater difficulty. Britain is now, I will suppose, the seat of liberty and virtue, and its legislature consists of a body of able and independent men, who govern with wisdom and justice. The time may come when all will be reversed; when its excellent constitution of government will be subverted; when pressed by debts and taxes, it will be greedy to draw to itself an increase of revenue from every distant province, in order to ease its own burdens; when the influence of the Crown, strengthened by luxury and an universal profligacy of manners, will have tainted every heart, broken down every fence of liberty, and rendered us a nation of tame and contented vassals; when a general election will be nothing but a general auction of boroughs, and when the Parliament, the grand council of the nation, and once the faithful guardian of the state, and a terror to evil ministers, will be degenerated into a body of sycophants, dependent and venal, always ready to confirm any measures, and little more than a public court for registering royal edicts. Such, it is possible, may, some time or other, be the state of Great Britain. What will at that period be the duty of the colonies? Will they be still bound to unconditional submission? Must they always continue an appendage to our Government, and follow it implicitly through every change that can happen to it? Wretched condition indeed, of millions of freemen as good as ourselves! Will you say that we now govern equitably, and that there is no danger of such revolution? Would to God that this were true. But will you not always say the same? Who shall judge whether we govern equitably or not? Can you give the colonies any security that such a period will never come?" No! The period, countrymen, is already come. The calamities were at our door. The rod of oppression was raised over us. We were roused from our slumbers, and may we never sink into repose until we can convey a clear and undisputed inheritance to our posterity. This day we are called upon to give a glorious example of what the wisest and best of men were rejoiced

to view, only in speculation. This day presents the world with the most august spectacle that its annals ever unfolded. Millions of freemen, deliberately and voluntarily forming themselves into a society for their common defence and common happiness. Immortal spirits of Hampden, Locke, and Sidney! will it not add to your benevolent joys to behold your posterity rising to the dignity of men, and evincing to the world the reality and expediency of your systems, and in the actual enjoyments of that equal liberty, which you were happy, when on earth, in delineating and recommending to mankind!

Other nations have received their laws from conquerors; some are indebted for a constitution to the sufferings of their ancestors through revolving centuries. The people of this country, alone, have formally and deliberately chosen a Government for themselves, and with open and uninfluenced consent, bound themselves into a social compact. Here, no man proclaims his birth or wealth as a title to honorable distinction, or to sanctify ignorance and vice with the name of hereditary authority. He who has most zeal and ability to promote public felicity, let him be the servant of the public. This is the only line of distinction drawn by nature. Leave the bird of night to the obscurity for which nature intended him, and expect only from the eagle to brush the clouds with his wings, and look boldly in the face of the sun.

Some who would persuade us that they have tender feelings for future generations, while they are insensible to the happiness of the present, are perpetually foreboding a train of dissensions under our popular system. Such men's reasoning amounts to this—give up all that is valuable to Great Britain, and then you will have no inducements to quarrel among yourselves; or suffer yourselves to be chained down by your enemies, that you may not be able to fight with your friends.

This is an insult on your virtue as well as your common-sense. Your unanimity this day and through the course of the war, is a decisive refutation of such invidious predictions. Our enemies have already had evidence that our present constitution contains in it the justice and ardor of freedom, and the wisdom and vigor of the most absolute system. When the law is the will of the people, it will be uniform and coherent; but fluctuation, contradiction, and inconsistency of councils must be ex-

pected under those governments where every revolution in the ministry of a court produces one in the state. Such being the folly and pride of all ministers, that they ever pursue measures directly opposite to those of their predecessors.

We shall neither be exposed to the necessary convulsions of elective monarchies, nor to the want of wisdom, fortitude, and virtue, to which hereditary succession is liable. In your hands it will be to perpetuate a prudent, active and just legislature, and which will never expire until you yourselves lose the virtues which give it existence.

And, brethren and fellow-countrymen, if it was ever granted to mortals to trace the designs of Providence, and interpret its manifestations in favor of their cause, we may, with humility of soul, cry out, Not unto us, not unto us, but to thy name be the praise. The confusion of the devices among our enemies, and the rage of the elements against them, have done almost as much towards our success as either our councils or our arms.

The time at which this attempt on our liberties was made, when we were ripened into maturity, had acquired a knowledge of war, and were free from the incursions of enemies in this country, the gradual advances of our oppressors enabling us to prepare for our defence, the unusual fertility of our lands and clemency of the seasons, the success which at first attended our feeble arms, producing unanimity among our friends and reducing our internal foes to acquiescence—these are all strong and palpable marks and assurances, that Providence is yet gracious unto Zion, that it will turn away the captivity of Jacob.

Our glorious reformers when they broke through the fetters of superstition, effected more than could be expected from an age so darkened. But they left much to be done by their posterity. They lopped off, indeed, some of the branches of popery, but they left the root and stock when they left us under the domination of human systems and decisions, usurping the infallibility which can be attributed to Revelation alone. They dethroned one usurper only to raise up another; they refused allegiance to the Pope, only to place the civil magistrate in the throne of Christ, vested with authority to enact laws, and inflict penalties in his kingdom. And if we now cast our eyes over the nations of the earth we shall find, that instead of pos-

sessing the pure religion of the gospel, they may be divided either into infidels who deny the truth, or politicians who make religion a stalking horse for their ambition, or professors, who walk in the trammels of orthodoxy, and are more attentive to traditions and ordinances of men than to the oracles of truth.

The civil magistrate has everywhere contaminated religion by making it an engine of policy; and freedom of thought and the right of private judgment, in matters of conscience, driven from every other corner of the earth, direct their course to this happy country as their last asylum. Let us cherish the noble guests, and shelter them under the wings of an universal toleration. Be this the seat of unbounded religious freedom. She will bring with her in her train, industry, wisdom, and commerce. She thrives most when left to shoot forth in her natural luxuriance, and asks from human policy, only not to be checked in her growth by artificial encouragements.

Thus by the beneficence of Providence, we shall behold our empire arising, founded on justice and the voluntary consent of the people, and giving full scope to the exercise of those faculties and rights which most ennoble our species. Besides the advantages of liberty and the most equal constitution, heaven has given us a country with every variety of climate and soil, pouring forth in abundance whatever is necessary for the support, comfort, and strength of a nation. Within our own borders we possess all the means of sustenance, defence, and commerce; at the same time, these advantages are so distributed among the different States of this continent, as if nature had in view to proclaim to us—Be united among yourselves, and you will want nothing from the rest of the world.

The more northern States most amply supply us with every necessary, and many of the luxuries of life—with iron, timber, and masts for ships of commerce or of war; with flax for the manufacture of linen, and seed either for oil or exportation.

So abundant are our harvests, that almost every part raises more than double the quantity of grain requisite for the support of the inhabitants. From Georgia and the Carolinas, we have, as well for our own wants as for the purpose of supplying the wants of other powers, indigo, rice, hemp, naval stores, and lumber.

Virginia and Maryland teem with wheat, Indian corn, and

tobacco. Every nation whose harvest is precarious, or whose lands yield not those commodities, which we cultivate, will gladly exchange their superfluities and manufactures for ours.

We have already received many and large cargoes of clothing, military stores, etc., from our commerce with foreign powers, and in spite of the efforts of the boasted navy of England, we shall continue to profit by this connection.

The want of our naval stores has already increased the price of these articles to a great height, especially in Britain. Without our lumber, it will be impossible for those haughty islanders to convey the products of the West Indies to their own ports—for a while they may with difficulty effect it, but without our assistance, their resources soon must fail. Indeed, the West India Islands appear as the necessary appendages to this our empire. They must owe their support to it, and ere long, I doubt not, some of them will from necessity wish to enjoy the benefit of our protection.

These natural advantages will enable us to remain independent of the world, or make it the interest of European powers to court our alliance, and aid in protecting us against the invasions of others. What argument therefore do we want, to show the equity of our conduct; or motive of interest to recommend it to our prudence? Nature points out the path, and our enemies have obliged us to pursue it.

If there is any man so base or so weak as to prefer a dependence on Great Britain to the dignity and happiness of living a member of a free and independent nation—let me tell him that necessity now demands what the generous principle of patriotism should have dictated.

We have now no other alternative than independence, or the most ignominious and galling servitude. The legions of our enemies thicken on our plains; desolation and death mark their bloody career; whilst the mangled corpses of our countrymen seem to cry out to us as a voice from heaven—" Will you permit our posterity to groan under the galling chains of our murderers? Has our blood been expended in vain? Is the only reward which our constancy, till death, has obtained for our country, that it should be sunk into a deeper and more ignominious vassalage? Recollect who are the men that demand your submission; to whose decrees you are invited to pay obedi-

ence! Men who, unmindful of their relation to you as brethren, of your long implicit submission to their laws; of the sacrifice which you and your forefathers made of your natural advantages for commerce to their avarice—formed a deliberate plan to wrest from you the small pittance of property which they had permitted you to acquire. Remember that the men who wish to rule over you, are they who, in pursuit of this plan of despotism, annulled the sacred contracts which had been made with your ancestors; conveyed into your cities a mercenary soldiery to compel you to submission by insult and murder—who called your patience, cowardice; your piety, hypocrisy."

Countrymen! the men who now invite you to surrender your rights into their hands, are the men who have let loose the merciless savages to riot in the blood of their brethren—who have dared to establish popery triumphant in our land—who have taught treachery to your slaves, and courted them to assassinate your wives and children.

These are the men to whom we are exhorted to sacrifice the blessings which Providence holds out to us—the happiness, the dignity of uncontrolled freedom and independence.

Let not your generous indignation be directed against any among us, who may advise so absurd and maddening a measure. Their number is but few and daily decreases; and the spirit which can render them patient of slavery will render them contemptible enemies.

Our Union is now complete; our constitution composed, established, and approved. You are now the guardians of your own liberties. We may justly address you, as the Decemviri did the Romans, and say—"Nothing that we propose can pass into a law without your consent. Be yourselves, O Americans, the authors of those laws on which your happiness depends."

You have now in the field armies sufficient to repel the whole force of your enemies, and their base and mercenary auxiliaries. The hearts of your soldiers beat high with the spirit of freedom—they are animated with the justice of their cause, and while they grasp their swords, can look up to heaven for assistance. Your adversaries are composed of wretches who laugh at the rights of humanity, who turn religion into derision, and would,

for higher wages, direct their swords against their leaders or their country. Go on, then, in your generous enterprise, with gratitude to heaven, for past success, and confidence of it in the future. For my own part, I ask no greater blessing than to share with you the common danger and common glory. If I have a wish dearer to my soul, than that my ashes may be mingled with those of a Warren and Montgomery—it is—that these American States may never cease to be free and independent!

ON THE WRITS OF ASSISTANCE

BY

JAMES OTIS

JAMES OTIS

1725—1783

In New England, in the eighteenth century, before the Revolution, there was a class of wealthy and imposing gentlemen who possessed the education, the manners, and the traditions of the same class in the mother-country. They were the aristocrats of the colony; they drank their wine, drove their horses, and took snuff in drawing-rooms with the air of noblemen. They were frank and free in bearing, choleric in disposition, and splendid in attire. Many of this class, when hostilities broke out, frowned upon the cause of their fellow-colonists, and gave in their adherence to King George. They were the Tories of the war; and were soundly hated by their fellows of the patriot stamp, and vehemently hated them in their turn. At this distance of time, it is easy to condone their attitude, and to respect the constancy with which they faced obloquy for the sake of loyalty. But we do not love them; and the English failed to manifest any gratitude for their services. Treason to one's country is not rewarded even by those who profit by it.

Among these fine gentlemen of colonial days was James Otis of Boston. He was born in the neighboring town of Barnstable in 1725, and died just at the end of the war, in 1783. But Otis, so far from being a Tory, was one of the fathers of independence; none of the outspoken patriots antedated him; from the very first premonitions of trouble, he stepped to the front, and spoke his opinions in no uncertain words. And for the exercise of the forum he was well fitted, both by nature and education. He had the gift of oratory; and his mind had been trained and refined by a thorough liberal education. He knew the classics; history was at his fingers' ends, and an accurate memory gave him command over statistics. He was, in short, a gentlemen of birth, breeding, and culture, who cared more for human rights, and the honor of his country, than for anything personal to himself; and who was ready therefore to pledge not his life and his sacred honor only, but his fortune into the bargain, to the attainment of liberty and independence. This is the kind of fine gentlemen to whom we have no objection in this democratic country; and Otis, a hundred years ago, was not only tolerated by the grim company of patriots, but was esteemed one of the most honorable of them, and was listened to and followed with tumultuous enthusiasm. He was eloquent in the full sense of the word, as the testimony of his contemporaries fully indicates; and though the reports of his speeches may not seem to substantiate the highest of these encomiums, yet by making due allowances, and permitting the imagination a little play, we may reconstruct the scene, and believe in the oratory. One of his best speeches was that delivered in 1761 against the Writs of Assistance; a longer and more elaborate effort was spoken in Boston on the subject of taxation without representation. It is worth reading as an eloquent and convincing statement of the case for the colonies, as against the arguments of the English Lord Mansfield.

ON THE WRITS OF ASSISTANCE

Delivered before the Superior Court of Massachusetts, during the term held at Boston, in February, 1761

MAY it Please Your Honors: I was desired by one of the court to look into the books, and consider the question now before them concerning writs of assistance. I have accordingly considered it, and now appear not only in obedience to your order, but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare, that whether under a fee or not (for in such a cause as this I despise a fee), I will to my dying day oppose with all the powers and faculties God has given me, all such instruments of slavery on the one hand, and villany on the other, as this writ of assistance is.

It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law-book. I must therefore beg your honors' patience and attention to the whole range of an argument, that may perhaps appear uncommon in many things, as well as to points of learning that are more remote and unusual; that the whole tendency of my design may the more easily be perceived, the conclusions better descend, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle. I was solicited to argue this cause as advocate-general; and because I would not, I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounced that office, and I argue this cause from the same principle; and I argue it with the greater pleasure, as it is in favor of British liberty, at a time when we hear the greatest monarch upon earth declaring from his throne that he glories in the name of Briton, and that the privileges of his peo-

ple are dearer to him than the most valuable prerogatives of his crown; and as it is in opposition to a kind of power, the exercise of which in former periods of history cost one king of England his head, and another his throne. I have taken more pains in this cause than I ever will take again, although my engaging in this and another popular cause has raised much resentment. But I think I can sincerely declare, that I cheerfully submit myself to every odious name for conscience' sake; and from my soul I despise all those whose guilt, malice, or folly has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct, that are worthy of a gentleman or a man, are to sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country.

These manly sentiments, in private life, make the good citizens; in public life, the patriot and the hero. I do not say that, when brought to the test, I shall be invincible. I pray God I may never be brought to the melancholy trial, but if ever I should, it will be then known how far I can reduce to practice principles which I know to be founded in truth. In the mean time I will proceed to the subject of this writ.

Your honors will find in the old books concerning the office of a justice of the peace, precedents of general warrants to search suspected houses. But in more modern books, you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn that he suspects his goods are concealed; and will find it adjudged, that special warrants only are legal. In the same manner I rely on it, that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. I say I admit that special writs of assistance, to search special places, may be granted to certain persons on oath; but I deny that the writ now prayed for can be granted, for I beg leave to make some observations on the writ itself, before I proceed to other acts of Parliament. In the first place, the writ is universal, being directed "to all and singular justices, sheriffs, constables, and all other officers and subjects"; so that, in short, it is directed to every subject in the King's dominions. Everyone with this writ may be a tyrant; if this commission be legal, a tyrant in a legal manner,

also, may control, imprison, or murder anyone within the realm. In the next place, it is perpetual, there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the archangel shall excite different emotions in his soul. In the third place, a person with his writ, in the daytime, may enter all houses, shops, etc., at will, and command all to assist him. Fourthly, by this writ, not only deputies, etc., but even their menial servants, are allowed to lord it over us. What is this but to have the curse of Canaan with a witness on us; to be the servant of servants, the most despicable of God's creation? Now one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient. This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these writs, and when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of the Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, "Yes." "Well then," said Mr. Ware, "I will show you a little of my power. I command you to permit me to search your house for uncustomed goods"; and went on to search the house from the garret to the cellar; and then served the constable in the same manner! But to show another absurdity in this writ: if it should be established, I insist upon it every person, by the 14th Charles II, has this power as well as the custom-house officers. The words are: "It shall be lawful for any person or persons au-

thorized," etc. What a scene does this open! Every man prompted by revenge, ill-humor, or wantonness to inspect the inside of his neighbor's house, may get a writ of assistance. Others will ask it from self-defence; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.

INAUGURAL ADDRESS

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FAREWELL ADDRESS

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BY

GEORGE WASHINGTON

GEORGE WASHINGTON

1732—1799

George Washington was born at Pope's Creek, Westmoreland County, Virginia, February 22, 1732. Like many other great men, he owed much to his mother, for it was she who impressed upon his memory the excellent maxims, moral and religious, that governed his conduct throughout life. At sixteen Washington left school, and began the exciting and dangerous work of surveying land in the pathless wilderness that then covered the western part of Virginia. His hazardous expedition in 1753 to the French commander near Lake Erie, the affair at Fort Necessity, and the disastrous ambuscade in which he, as adjutant of General Braddock's command, was the only mounted officer to escape, are well-known historical events.

In January of the following year he married Martha Custis, the widow of John Parke Custis. For the next fifteen years he followed the peaceful occupation of a colonial planter. He was elected a delegate to the provincial House of Burgesses, and the beginning of each session found him in his seat, never late and never in a hurry. He possessed the confident bearing and unruffled dignity that are the accompaniments of true greatness. He had the reputation of being one of the "thinkers" of the House. He spoke seldom, but he was a good listener. On the authority of Patrick Henry, Washington was, "for solid information and sound judgment, unquestionably the greatest man in the Assembly." He had throughout these years been a keen observer of current events. When he saw the unyielding attitude of England, marked especially by her insistence on the retention of the tea tax, he was ready to join in measures of remonstrance, and, if need be, of actual resistance. He was sent as a delegate to the first Continental Congress and, during the session of the second Congress, was unanimously elected commander-in-chief of all the Continental forces raised, or to be raised, for the defence of American liberty. The difficulties that encompassed him in the conduct of the war; the discouragements, and the fortitude with which he met them; his cautious strategic moves, and carefully planned successes, all leading to the final surrender of Cornwallis at Yorktown, are too well known to be detailed here. The story of the struggle for American independence, with its tears and sorrows, its brave deeds and heroic sacrifices, with the noble figure of Washington moving across the scene, stirs the American heart like the call of a trumpet.

Washington delivered his farewell address to the army in 1783, and soon after the evacuation of New York by the British bade an affectionate farewell to his officers. In 1787 he was elected president of the Federal Convention which assembled in Philadelphia. After due ratification of the constitution, Washington was elected first President of the United States, and took the oath of office at New York, April 30, 1789. With a skill and tact worthy of a trained diplomat, Washington accomplished the difficult work of moulding a compact nation out of a bundle of loosely joined States, in spite of the powerful opposition and adverse criticism that he encountered in some quarters. He was elected for a second term in 1793. During the year 1796 Washington, solicitous for the success of the government and the welfare of his people, wrote his farewell address, and in December of the same year he met the two Houses of Congress for the last time. On retiring from the presidential office he withdrew to Mount Vernon, where he died, after a brief illness, on December 14, 1799. As an orator Washington owed his fame more to the substance of his utterances than to the eloquence with which he delivered them. The "Inaugural Address" and the "Farewell Address" are characteristic examples of his solid style.

INAUGURAL ADDRESS*

FELLOW-CITIZENS of the Senate, and of the House of Representatives: Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and in my flattering hopes with an immutable decision as the asylum of my declining years; a retreat which was rendered every day more necessary, as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust, to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence, one, who inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver, is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibil-

* General Washington was officially notified of his election as President of the United States on April 14, 1789. He immediately left Mount Vernon, and on the twenty-third of the same month arrived at New York, where he was received by the Governor of the State and conducted under an escort of military, through an immense throng of people, to the apartments provided for him. Here he received the salutations of foreign ministers, public bodies, political characters, and private citizens of distinction, who pressed around him to offer their congratulations, and to express their joy at seeing the man who had the confidence of all, at the head of the American republic. On the thirtieth of April he was inaugurated. Having taken the oath of office in the view of a great concourse of people, who attested their joy by loud and repeated acclamations, he returned to the Senate, where he delivered his inaugural address.

ity to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country, with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit in this first official act, my fervent supplications to that Almighty Being who rules over the universe—who presides in the councils of nations—and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves for these essential purposes; and may enable every instrument, employed in its administration, to execute with success the functions allotted to his charge. In tendering this homage to the great author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand, which conducts the affairs of men, more than the people of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude along with a humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department, it is made the duty of the President, "to recommend to your consideration such measures as he shall judge necessary and ex-

pedient." The circumstances under which I now meet you will acquit me from entering into that subject, farther than to refer to the great constitutional charter under which you are assembled; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges, that as, on one side, no local prejudices or attachments, no separate views, nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire: since there is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity: since we ought to be no less persuaded, that the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right, which heaven itself has ordained: and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally staked, on the experiment entrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power delegated by the fifth article of the constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this sub-

ject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that whilst you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question how far the former can be more impregnably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments, which may be indispensably included in a permanent provision for the executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that since he has been pleased to favor the American people, with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government, for the security of their union, and the advancement of their happiness; so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend.

FAREWELL ADDRESS*

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen, to administer the executive government of the United States, being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto, in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address, to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

* This address was published on September 17, 1796.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say, that I have with good intentions contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services, faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and the guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing

wishes that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union, to your

collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in like intercourse with the West, already finds, and in the progressive improvement of interior communications, by land and water, will

more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure, by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security, from external danger, a less frequent interruption of their peace by foreign nations; and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries, not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. 'Tis well worth a fair

and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction of that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic States, unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely, for the preservation of these advantages, on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions, which alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than

your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenecd and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter the constitutions of government. But the constitution, which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish a government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, the will of a party, often a small, but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your government and the permanency of your present happy state, it is requisite, not only

that you speedily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion. And remember especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction; to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes, in all governments, more or less stifled, controlled, or repressed. But in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissensions, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The dis-

orders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which, nevertheless, ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself, through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion, that parties, in free countries, are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and, in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power,

and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositaries, and constituting each the guardian of the public weal against invasion by the other, has been evinced by experiments ancient and modern: some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers, be, in any particular, wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits, which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the destinies of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principles.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as

the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always the choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages that might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular

nations, and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation, which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition and other sinister and pernicious motives. The peace often, and sometimes, perhaps, the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray, or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such

attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions; to practise the arts of seduction; to mislead public opinion; to influence or awe the public councils! Such an attachment of a small or weak nation, toward a great and powerful one, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate, to see danger only on one side; and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships and enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions

upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise, to extend them.

Taking care always to keep ourselves, by suitable establishments, in a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay, with a portion of its independence, for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation

to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations! But, if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit; to warn against the mischiefs of foreign intrigues; to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of April 22, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary, on this occasion, to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act,

to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflection and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am, nevertheless, too sensible of my defects, not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate, with pleasing expectations, that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

INAUGURAL ADDRESS

—

BY

JOHN ADAMS

JOHN ADAMS

1735—1826

The force and vitality of thousands of ordinary men seem to have been used by nature in the making of this extraordinary personage. The ardor of his soul was unquenchable and inexhaustible; it burned for more than ninety years, and radiated warmth from one end of the country to the other, and even across the seas to Europe. There was nothing ambiguous or uncertain about Adams; he believed in himself, and the views which he adopted on all matters coming before him, seemed to him the only views which could reasonably be entertained by honest men. He designed nothing but good to the country; but he could never be brought to see that any good except the good he saw could have any real virtue in it. During his long life, he failed to meet a man, from Washington down, who, in his opinion, possessed abilities and merits comparable with his own. So sincere was he in this conviction, and so great were his abilities, that there was turmoil wherever he went; he was fighting somebody or something from one year's end to another; and the more he was opposed, the greater was the number of those whom he was compelled to regard as dishonest or irrational. He always occupied a leading position in public affairs, and was first Vice-President and then President of the United States; but he never would admit that he had received his just recognition; he was always sure that, however well things might go, they would have gone better had they gone his way; and when he finally retired from the public stage, after having been defeated in his second attempt to capture the presidential office, he took his departure in a huff, and did the best he could to embarrass his successor.

And yet there never was a truer patriot than John Adams, or one who, in spite of his faults, inspired heartier respect and love. He was so transparently honest, so truthful and generous, he had so powerful a brain and so dauntless a heart, that America could not have done without him; and during the time immediately before and during the war, when his energies were chiefly devoted to the discomfiture of the common enemy, the effect of his activities was almost wholly good. No one could be a coward, or despair of the issue, while John Adams was in the neighborhood; and without his daring and firmness at critical moments during the struggle, it is quite possible that the colonists might have hesitated and been lost. As the champion of the oppressed, his single might was the equivalent of an army. As an orator he was aggressive and inspiring, energetic and persuasive. What his speeches lack in smoothness they make up in energy. His "Inaugural Address" is a good example of his terse matter-of-fact oratory.

He was born in Braintree, Massachusetts, in 1735, graduated at Harvard twenty years later, studied law, and in 1770 was fully ready to defend the patriots against the aggressions of England. He was a member of the Massachusetts and of the Continental Congresses, signed the Declaration of Independence, acted as negotiator in Europe, and as Vice-President and President of the United States. After the expiration of his presidential term he retired to Quincy, whence he rayed out wisdom to the end. He died in 1826.

INAUGURAL ADDRESS

Delivered before both Houses of Congress on Assuming the Presidency of the United States, March 4, 1797

WHEN it was first perceived, in early times, that no middle course for America remained, between unlimited submission to a foreign legislature and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole, and over the parts, of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence, which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the people during the revolutionary war, supplying the place of government, commanded a degree of order, sufficient, at least, for the temporary preservation of society. The confederation, which was early felt to be necessary, was prepared from the models of the Batavian and Helvetic confederacies, the only examples which remain, with any detail and precision, in history, and certainly the only ones which the people at large had ever considered. But, reflecting on the striking difference, in so many particulars, between this country and those, where a courier may go from the seat of government to the frontier in a single day, it was then

certainly foreseen by some, who assisted in Congress at the formation of it, that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals, but in States, soon appeared with their melancholy consequences. Universal languor, jealousies, rivalries of States, decline of navigation and commerce, discouragement of necessary manufactures, universal fall in the value of lands and their produce, contempt of public and private faith, loss of consideration and credit with foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations issued in the present happy constitution of government.

Employed in the service of my country abroad during the whole course of these transactions, I first saw the constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as the result of good heads, prompted by good hearts; as an experiment better adapted to the genius, character, situation, and relations of this nation and country than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed; and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage in common with my fellow-citizens in the adoption or rejection of a constitution, which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and in private. It was not then nor has been since any objection to it, in my mind, that the executive and Senate were not more permanent. Nor have I entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their

experience, should see and feel to be necessary or expedient, and by their representatives in Congress and the State Legislatures, according to the constitution itself, adopt and ordain.

Returning to the bosom of my country, after a painful separation from it for ten years, I had the honor to be elected to a station under the new order of things; and I have repeatedly laid myself under the most serious obligations to support the constitution. The operation of it has equalled the most sanguine expectations of its friends; and from an habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it, and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love?

There may be little solidity in an ancient idea that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences; but this is very certain, that to a benevolent human mind there can be no spectacle presented by any nation more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress—of a government in which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens, selected at regular periods by their neighbors, to make and execute laws for the general good. Can anything essential, anything more than mere ornament and decoration, be added to this by robes or diamonds? Can authority be more amiable or respectable, when it descends from accidents or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? For it is the people only that are represented; it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours for any length of time, is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object of consideration, more pleasing than this, can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties—if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party through artifice or corruption, the government may be the choice of a party, for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations, by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves; and candid men will acknowledge that, in such cases, choice would have little advantage to boast of over lot or chance.

Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed) which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement, which is his voluntary choice, may he long live to enjoy the delicious recollection of his services—the gratitude of mankind; the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart, and the knowledge that he lives, a bulwark against all open or secret enemies of his country's peace.

This example has been recommended to the imitation of his successors, by both Houses of Congress, and by the voice of the legislatures and the people, throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence; but as something may be expected, the

occasion, I hope, will be admitted as an apology, if I venture to say, that if a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual States, and a constant caution and delicacy towards the State governments; if an equal and impartial regard to the rights, interests, honor, and happiness of all the States in the Union, without preference or regard to a northern or southern, eastern or western position, their various political opinions on essential points, or their personal attachments; if a love of virtuous men, of all parties and denominations; if a love of science and letters, and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion among all classes of the people, not only for their benign influence on the happiness of life, in all its stages and classes, and of society in all its forms, but as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice and humanity, in the interior administration; if an inclination to improve agriculture, commerce, and manufactures for necessity, convenience, and defence; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to ameliorate their condition, by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by the government, and so solemnly sanctioned by both Houses of Congress, and applauded by the legislatures of the States and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friend-

ship, which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence, of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens, by whatever nation; and if success cannot be obtained, to lay the facts before the legislature, that they may consider what further measures the honor and interest of the government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times and to all nations, and maintain peace, friendship, and benevolence with all the world; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured but exalted by experience and age; and with humble reverence, I feel it my duty to add, if a veneration for the religion of a people, who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two Houses shall not be without effect.

With this great example before me—with the sense and spirit, the faith and honor, the duty and interest of the same American people, pledged to support the constitution of the United States, I entertain no doubt of its continuance in all its energy; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration, consistent with the ends of his providence.

AMERICAN LIBERTY

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THE FEDERAL CONSTITUTION

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BY

PATRICK HENRY

PATRICK HENRY

1736—1799

Patrick Henry began life as a failure. He had but meagre opportunities for schooling, and quite failed to make the most of those he had; he was an inveterate truant, and knew more about the haunt of trout, and the best places for game, than he did about Latin grammar or arithmetic. Born in a Virginia county town in 1736, the only life he knew was that of a frontiersman; but he had none of the activity and enterprise of the class. He studied law, however, and was admitted to the bar in 1760. At first his speeches in behalf of his clients were flat failures, but, after a while, he cast off the artificial style that he had attempted to cultivate, and spoke in his own natural, impulsive, convincing way. His success was great and immediate. No jury could withstand him. He invariably won his cases—even the most hopeless ones.

Under the stimulus of success, indeed, he became another man. All his latent energies awoke, and he worked as he had never dreamed of working before. It was impossible for him to make up the deficiencies of his early training; but he discovered that this was not essential to his success. He possessed by nature, and unconsciously developed by the life he had led, a knowledge of men, and the power of moving them; he spoke to them in their own language, and set before them their own ideas, but so strengthened and transfigured that, while readily comprehended, they appeared as the revelation of impassioned wisdom and truth. It was not long before his fame caused him to be sent to the Virginia House of Burgesses, just at the time, 1765, when the matter of the Stamp Act was being discussed. The prevalent feeling was that the act should not be resisted; and ways were being sought to arrange a compromise; but Henry startled everybody with his declaration that the act was unconstitutional and void, and should not be submitted to. It was in the excited debate following this declaration that he used the phrase suggesting the assassination of George III, which is quoted in every school history. His views conquered in the end, and his resolution was carried. No destiny was now too high to be predicted for this raw youth of nine-and-twenty; and indeed his genius seemed to expand with each new demand made upon it. He was a leading figure in the early legislatures, and was twice Governor of Virginia. He died at Red Hill, Virginia, in 1799.

No man comparable to Henry has been seen in this country; he was close to nature, and drew much of his power from her; but he had in addition a matchless felicity, an intuition and insight, and a power of rising to any required height of passion and inspiration which rendered men helpless before him. The scene which took place when he opposed the concession of State rights to a consolidated government has often been described, and is almost Miltonic in its features; seldom has man soared so high in imaginative rhetoric as did Henry at that crisis. His speech, delivered on that occasion, is given here under the title "The Federal Constitution."

AMERICAN LIBERTY

Delivered before the Virginia Convention of Delegates, March 28, 1775

MR. PRESIDENT: No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope that it will not be thought disrespectful to those gentlemen, if, entertaining as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the House is one of awful moment to this country. For my own part I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth, and fulfil the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offence, I should consider myself as guilty of treason towards my country, and of an act of disloyalty towards the majesty of heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren, till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst and to provide for it.

I have but one lamp by which my feet are guided; and that

is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years, to justify those hopes with which gentlemen have been pleased to solace themselves and the House? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with these war-like preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motives for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us; they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer on the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done, to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconcilia-

tion. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance, by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of the means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat it, sir, let it come!

It is in vain, sir, to extenuate the matter. Gentlemen may cry peace, peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!

THE FEDERAL CONSTITUTION

Delivered before the Virginia Convention, June 4, 1788

MR. CHAIRMAN: The public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say, that they are exceedingly uneasy, being brought from that state of full security, which they enjoy, to the present delusive appearance of things. Before the meeting of the late Federal convention at Philadelphia, a general peace, and an universal tranquillity prevailed in this country, and the minds of our citizens were at perfect repose; but since that period, they are exceedingly uneasy and disquieted. When I wished for an appointment to this convention, my mind was extremely agitated for the situation of public affairs. I conceive the republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system; it arises from a proposal to change our government—a proposal that goes to the utter annihilation of the most solemn engagements of the States—a proposal of establishing nine States into a confederacy, to the eventual exclusion of four States. It goes to the annihilation of those solemn treaties we have formed with foreign nations. The present circumstances of France, the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians: those treaties bound us as thirteen States, confederated together. Yet here is a proposal to sever that confederacy. Is it possible that we shall abandon

all our treaties and national engagements? And for what? I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity, or public justice, endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our federal government is of a most alarming nature; make the best of this new government—say it is composed of anything but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for, instead of securing your rights, you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new government will not come up to the expectation of the people, and they should be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this convention to have a faithful historical detail of the facts that preceded the session of the federal convention, and the reasons that actuated its members in proposing an entire alteration of government—and to demonstrate the dangers that awaited us. If they were of such awful magnitude as to warrant a proposal so extremely perilous as this, I must assert that this convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late federal convention. I am sure they were fully impressed with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand, what right had they to say, "We, the People"? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorized them to speak the language of "We, the People," instead of "We, the States?" States are the characteristics, and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated national government of the people of all the States. I have the highest respect for those gentlemen who formed the conven-

tion; and were some of them not here, I would express some testimonial of esteem for them. America had on a former occasion put the utmost confidence in them; a confidence which was well placed; and I am sure, sir, I would give up anything to them; I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man, who saved us by his valor, I would have a reason for his conduct; that liberty which he has given us by his valor, tells me to ask this reason, and sure I am, were he here, he would give us that reason: but there are other gentlemen here who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me; I wish to hear the real, actual, existing danger, which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no dangers, no insurrection or tumult, has happened; everything has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to a degree of inflammatory resentment, in different parts of the country, which has been occasioned by this perilous innovation. The federal convention ought to have amended the old system; for this purpose they were solely delegated: the object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member, to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our government.

[This inquiry was answered by an eloquent and powerful speech from Mr. Randolph; and the debate passed into other hands until the next day, when Mr. Henry continued:]

Mr. Chairman: I am much obliged to the very worthy gentleman for his encomium. [Referring to General Lee, of Westmoreland.] I wish I were possessed of talents, or possessed of anything, that might enable me to elucidate this great subject. I am not free from suspicion: I am apt to entertain doubts: I rose yesterday to ask a question, which arose in my own

mind. When I asked that question, I thought the meaning of my interrogation was obvious: the fate of this question and of America may depend on this. Have they said, We, the States? Have they made a proposal of a compact between States? If they had, this would be a confederation: it is otherwise most clearly a consolidated government. The whole question turns, sir, on that poor little thing—the expression, We, the People, instead of the States of America. I need not take much pains to show, that the principles of this system are extremely pernicious, impolitic, and dangerous. Is this a monarchy, like England—a compact between prince and people; with checks on the former to secure the liberty of the latter? Is this a confederacy, like Holland—an association of a number of independent States, each of which retains its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely. Had these principles been adhered to, we should not have been brought to this alarming transition, from a confederacy to a consolidated government. We have no detail of those great considerations which, in my opinion, ought to have abounded before we should recur to a government of this kind. Here is a revolution as radical as that which separated us from Great Britain. It is as radical, if in this transition, our rights and privileges are endangered, and the sovereignty of the States relinquished. And cannot we plainly see that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost, by this change so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans? It is said eight States have adopted this plan. I declare that if twelve States and a half had adopted it, I would, with manly firmness, and in spite of an erring world, reject it. You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government. Having premised these things, I shall, with the aid of my judgment and information, which I confess are not extensive, go into the discussion of this system more minutely. Is it necessary for your liberty,

that you should abandon those great rights by the adoption of this system? Is the relinquishment of the trial by jury, and the liberty of the press, necessary for your liberty? Will the abandonment of your most sacred rights, tend to the security of your liberty? Liberty, the greatest of all earthly blessings—give us that precious jewel, and you may take everything else. But I am fearful I have lived long enough to become an old-fashioned fellow. Perhaps an invincible attachment to the dearest rights of man, may, in these refined, enlightened days, be deemed old-fashioned: if so, I am contented to be so. I say, the time has been when every pulse of my heart beat for American liberty, and which, I believe, had a counterpart in the breast of every true American. But suspicions have gone forth —suspicions of my integrity. It has been publicly reported that my professions are not real. Twenty-three years ago was I supposed a traitor to my country: I was then said to be a bane of sedition, because I supported the rights of my country: I may be thought suspicious, when I say our privileges and rights are in danger: but, sir, a number of the people of this country are weak enough to think these things are too true. I am happy to find that the gentlemen on the other side declare they are groundless: but, sir, suspicion is a virtue, as long as its object is the preservation of the public good, and as long as it stays within proper bounds: should it fall on me, I am contented: conscious rectitude is a powerful consolation: I trust there are many who think my professions for the public good to be real. Let your suspicion look to both sides: there are many on the other side, who, possibly, may have been persuaded of the necessity of these measures, which I conceive to be dangerous to your liberty. Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it, but downright force. Whenever you give up that force, you are inevitably ruined. I am answered by gentlemen, that though I may speak of terrors, yet the fact is, that we are surrounded by none of the dangers I apprehend. I conceive this new government to be one of those dangers: it has produced those horrors, which distress many of our best citizens. We are come hither to preserve the poor commonwealth of Virginia, if it can be possibly done: something must be done to preserve your liberty and mine.

The confederation, this same despised government, merits, in my opinion, the highest encomium: it carried us through a long and dangerous war: it rendered us victorious in that bloody conflict with a powerful nation: it has secured us a territory greater than any European monarch possesses: and shall a government which has been thus strong and vigorous, be accused of imbecility, and abandoned for want of energy? Consider what you are about to do, before you part with this government. Take longer time in reckoning things: revolutions like this have happened in almost every country in Europe: similar examples are to be found in ancient Greece and ancient Rome: instances of the people losing their liberty by their own carelessness and the ambition of a few. We are cautioned by the honorable gentleman who presides, against faction and turbulence. I acknowledge that licentiousness is dangerous, and that it ought to be provided against: I acknowledge also the new form of government may effectually prevent it: yet, there is another thing it will as effectually do: it will oppress and ruin the people. There are sufficient guards placed against sedition and licentiousness: for when power is given to this government to suppress these, or, for any other purpose, the language it assumes is clear, express, and unequivocal; but when this constitution speaks of privileges, there is an ambiguity, sir, a fatal ambiguity—an ambiguity which is very astonishing. In the clause under consideration, there is the strangest language that I can conceive. I mean, when it says, that there shall not be more representatives than one for every 30,000. Now, sir, how easy is it to evade this privilege? "The number shall not exceed one for every 30,000." This may be satisfied by one representative from each State. Let our numbers be ever so great, this immense continent may, by this artful expression, be reduced to have but thirteen representatives. I confess this construction is not natural; but the ambiguity of the expression lays a good ground for a quarrel. Why was it not clearly and unequivocally expressed, that they should be entitled to have one for every 30,000? This would have obviated all disputes; and was this difficult to be done? What is the inference? When population increases, and a State shall send representatives in this proportion, Congress may remand them, because the right of having one for every 30,000 is not clearly

expressed. This possibility of reducing the number to one for each State, approximates to probability by that other expression, "but each State shall at least have one representative." Now is it not clear that, from the first expression, the number might be reduced so much, that some States should have no representative at all, were it not for the insertion of this last expression? And as this is the only restriction upon them, we may fairly conclude that they may restrain the number to one from each State. Perhaps the same horrors may hang over my mind again. I shall be told I am continually afraid: but, sir, I have strong cause of apprehension. In some parts of the plan before you, the great rights of freemen are endangered, in other parts absolutely taken away. How does your trial by jury stand? In civil cases gone—not sufficiently secured in criminal —this best privilege is gone. But we are told that we need not fear, because those in power being our representatives, will not abuse the powers we put in their hands. I am not well versed in history, but I will sumbit to your recollection, whether liberty has been destroyed most often by the licentiousness of the people, or by the tyranny of rulers. I imagine, sir, you will find the balance on the side of tyranny. Happy will you be, if you miss the fate of those nations, who, omitting to resist their oppressors, or negligently suffering their liberty to be wrested from them, have groaned under intolerable despotism! Most of the human race are now in this deplorable condition. And those nations who have gone in search of grandeur, power and splendor, have also fallen a sacrifice, and been the victims of their own folly. While they acquired those visionary blessings, they lost their freedom. My great objection to this government is, that it does not leave us the means of defending our rights, or of waging war against tyrants. It is urged by some gentlemen, that this new plan will bring us an acquisition of strength; an army, and the militia of the States. This is an idea extremely ridiculous: gentlemen cannot be in earnest. This acquisition will trample on your fallen liberty. Let my beloved Americans guard against that fatal lethargy that has pervaded the universe. Have we the means of resisting disciplined armies, when our only defence, the militia, is put into the hands of Congress?

The honorable gentleman said, that great danger would ensue, if the convention rose without adopting this system. I ask,

where is that danger? I see none. Other gentlemen have told us, within these walls, that the Union is gone—or, that the Union will be gone. Is not this trifling with the judgment of their fellow-citizens? Till they tell us the ground of their fears, I will consider them as imaginary. I rose to make inquiry where those dangers were; they could make no answer: I believe I never shall have that answer. Is there a disposition in the people of this country to revolt against the dominion of laws? Has there been a single tumult in Virginia? Have not the people of Virginia, when laboring under the severest pressure of accumulated distresses, manifested the most cordial acquiescence in the execution of the laws? What could be more awful, than their unanimous acquiescence under general distresses? Is there any revolution in Virginia? Whither is the spirit of America gone? Whither is the genius of America fled? It was but yesterday, when our enemies marched in triumph through our country. Yet the people of this country could not be appalled by their pompous armaments: they stopped their career, and victoriously captured them: where is the peril now, compared to that?

Some minds are agitated by foreign alarms. Happily for us, there is no real danger from Europe; that country is engaged in more arduous business; from that quarter, there is no cause of fear: you may sleep in safety forever for them. Where is the danger? If, sir, there was any, I would recur to the American spirit to defend us—that spirit which has enabled us to surmount the greatest difficulties; to that illustrious spirit I address my most fervent prayer, to prevent our adopting a system destructive to liberty. Let not gentlemen be told, that it is not safe to reject this government. Wherefore is it not safe? We are told there are dangers; but those dangers are ideal; they cannot be demonstrated. To encourage us to adopt it, they tell us that there is a plain, easy way of getting amendments. When I come to contemplate this part, I suppose that I am mad, or that my countrymen are so. The way to amendment is, in my conception, shut. Let us consider this plain, easy way. "The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments,

which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. Provided, that no amendment which may be made prior to the year 1808, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate." Hence it appears, that three-fourths of the States must ultimately agree to any amendments that may be necessary. Let us consider the consequences of this. However uncharitable it may appear, yet I must express my opinion, that the most unworthy characters may get into power and prevent the introduction of amendments. Let us suppose (for the case is supposable, possible and probable) that you happen to deal these powers to unworthy hands; will they relinquish powers already in their possession, or agree to amendments? Two-thirds of the Congress, or of the State legislatures, are necessary even to propose amendments. If one-third of these be unworthy men, they may prevent the application for amendments; but a destructive and mischievous feature is, that three-fourths of the State legislatures, or of the State conventions, must concur in the amendments when proposed. In such numerous bodies, there must necessarily be some designing, bad men. To suppose that so large a number as three-fourths of the States will concur, is to suppose that they will possess genius, intelligence and integrity, approaching to miraculous. It would, indeed, be miraculous, that they should concur in the same amendments, or, even in such as would bear some likeness to one another. For four of the smallest States, that do not collectively contain one-tenth part of the population of the United States, may obstruct the most salutary and necessary amendments. Nay, in these four States, six-tenths of the people may reject these amendments; and suppose, that amendments shall be opposed to amendments (which is highly probable) is it possible, that three-fourths can ever agree to the same amendments? A bare majority in these four small States, may hinder the adoption of amendments; so that we may fairly and justly conclude, that one-twentieth part of the American people may prevent the re-

moval of the most grievous inconveniences and oppression, by refusing to accede to amendments. A trifling minority may reject the most salutary amendments. Is this an easy mode of securing the public liberty? It is, sir, a most fearful situation, when the most contemptible minority can prevent the alteration of the most oppressive government; for it may, in many respects, prove to be such. Is this the spirit of republicanism? What, sir, is the genius of democracy? Let me read that clause of the Bill of Rights of Virginia which relates to this: Third clause; "That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community. Of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration, and that whenever any government shall be found inadequate, or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal." This, sir, is the language of democracy—that a majority of the community have a right to alter their government when found to be oppressive: but how different is the genius of your new constitution from this! How different from the sentiments of freemen, that a contemptible minority can prevent the good of the majority! If then, gentlemen, standing on this ground, are come to that point, that they are willing to bind themselves and their posterity to be oppressed, I am amazed and inexpressibly astonished. If this be the opinion of the majority, I must submit; but to me, sir, it appears perilous and destructive; I cannot help thinking so: perhaps it may be the result of my age; these may be feelings natural to a man of my years, when the American spirit has left him, and his mental powers, like the members of the body, are decayed. If, sir, amendments are left to the twentieth, or to the tenth part of the people of America, your liberty is gone forever. We have heard that there is a great deal of bribery practised in the House of Commons in England; and that many of the members raise themselves to preferments, by selling the rights of the people. But, sir, the tenth part of that body cannot continue oppressions on the rest of the people. English liberty is, in this case, on a

firmer foundation than American liberty. It will be easily contrived to procure the opposition of one-tenth of the people to any alteration, however judicious.

The honorable gentleman who presides, told us, that to prevent abuses in our government, we will assemble in convention, recall our delegated powers, and punish our servants for abusing the trust reposed in them. Oh, sir, we should have fine times indeed, if to punish tyrants, it were only sufficient to assemble the people. Your arms, wherewith you could defend yourselves, are gone; and you have no longer an aristocratical, no longer a democratical spirit. Did you ever read of any revolution in any nation, brought about by the punishment of those in power, inflicted by those who had no power at all? You read of a riot act in a country which is called one of the freest in the world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. We may see such an act in America. A standing army we shall have also, to execute the execrable commands of tyranny: and how are you to punish them? Will you order them to be punished? Who shall obey these orders? Will your mace-bearer be a match for a disciplined regiment? In what situation are we to be?

The clause before you gives a power of direct taxation, unbounded and unlimited; exclusive power of legislation in all cases whatsoever, for ten miles square, and over all places purchased for the erection of forts, magazines, arsenals, dockyards, etc. What resistance could be made? The attempt would be madness. You will find all the strength of this country in the hands of your enemies: those garrisons will naturally be the strongest places in the country. Your militia is given up to Congress also, in another part of this plan: they will therefore act as they think proper: all power will be in their own possession: you cannot force them to receive their punishment. Of what service would militia be to you, when most probably you will not have a single musket in the State? For, as arms are to be provided by Congress, they may, or may not, furnish them.

Let us here call your attention to that part which gives the Congress power "To provide for organizing, arming and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving

to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipine prescribed by Congress." By this, sir, you see that their control over our last and best defence is unlimited. If they neglect or refuse to discipline or arm our militia, they will be useless: the States can do neither, this power being exclusively given to Congress. The power of appointing officers over men not disciplined or armed, is ridiculous: so that this pretended little remnant of power, left to the States, may, at the pleasure of Congress, be rendered nugatory. Our situation will be deplorable indeed: nor can we ever expect to get this government amended; since I have already shown, that a very small minority may prevent it, and that small minority interested in the continuance of the oppression. Will the oppressor let go the oppressed? Was there ever an instance? Can the annals of mankind exhibit one single example, where rulers, overcharged with power, willingly let go the oppressed, though solicited and requested most earnestly? The application for amendments will therefore be fruitless. Sometimes the oppressed have got loose by one of those bloody struggles that desolate a country. But a willing relinquishment of power is one of those things which human nature never was, nor ever will be, capable of.

The honorable gentleman's observations, respecting the people's right of being the agents in the formation of this government, are not accurate, in my humble conception. The distinction between a national government and a confederacy, is not sufficiently discerned. Had the delegates, who were sent to Philadelphia, a power to propose a consolidated government instead of a confederacy? Were they not deputed by States, and not by the people? The assent of the people, in their collective capacity, is not necessary to the formation of a federal government. The people have no right to enter into leagues, alliances, or confederations: they are not the proper agents for this purpose: States and sovereign powers are the only proper agents for this kind of government. Show me an instance where the people have exercised this business: has it not always gone through the legislatures? I refer you to the treaties with France, Holland, and other nations: how were they made? Were they not made by the States? Are the people, therefore,

in their aggregate capacity, the proper persons to form a confederacy? This, therefore, ought to depend on the consent of the legislatures; the people have never sent delegates to make any proposition of changing the government. Yet I must say, at the same time, that it was made on grounds the most pure, and perhaps I might have been brought to consent to it, so far as to the change of government; but there is one thing in it, which I never would acquiesce in. I mean, the changing it into a consolidated government, which is so abhorrent to my mind.

The honorable gentleman then went on to the figure we make with foreign nations; the contemptible one we make in France and Holland, which, according to the substance of my notes, he attributes to the present feeble government. An opinion has gone forth, we find, that we are a contemptible people: the time has been when we were thought otherwise. Under this same despised government, we commanded the respect of all Europe: wherefore are we now reckoned otherwise? The American spirit has fled from hence: it has gone to regions, where it has never been expected: it has gone to the people of France, in search of a splendid government—a strong, energetic government. Shall we imitate the example of those nations, who have gone from a simple to a splendid government? Are those nations more worthy of our imitation? What can make an adequate satisfaction to them for the loss they have suffered in attaining such a government—for the loss of their liberty? If we admit this consolidated government, it will be because we like a great and splendid one. Some way or other we must be a great and mighty empire; we must have an army, and a navy, and a number of things. When the American spirit was in its youth, the language of America was different: liberty, sir, was then the primary object. We are descended from a people whose government was founded on liberty: our glorious forefathers, of Great Britain, made liberty the foundation of everything. That country is become a great, mighty and splendid nation; not because their government is strong and energetic: but, sir, because liberty is its direct end and foundation. We drew the spirit of liberty from our British ancestors; by that spirit we have triumphed over every difficulty. But now, sir, the American spirit, assisted by the ropes

and chains of consolidation, is about to convert this country into a powerful and mighty empire. If you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your government will not have sufficient energy to keep them together: such a government is incompatible with the genius of republicanism. There will be no checks, no real balances, in this government. What can avail your specious, imaginary balances; your rope-dancing, chain-rattling, ridiculous, ideal checks and contrivances? But, sir, we are not feared by foreigners; we do not make nations tremble. Would this constitute happiness, or secure liberty? I trust, sir, our political hemisphere will ever direct its operations to the security of those objects. Consider our situation, sir; go to the poor man, ask him what he does; he will inform you that he enjoys the fruits of his labor, under his own fig-tree, with his wife and children around him, in peace and security. Go to every other member of the society, you will find the same tranquil ease and content; you will find no alarms or disturbances! Why then tell us of dangers, to terrify us into the adoption of this new form of government? And yet who knows the dangers that this new system may produce? They are out of the sight of the common people: they cannot foresee latent consequences. I dread the operation of it on the middling and lower classes of people: it is for them I fear the adoption of this system. I fear I tire the patience of the committee, but I beg to be indulged with a few more observations.

When I thus profess myself an advocate for the liberty of the people, I shall be told, I am a designing man, that I am to be a great man, that I am to be a demagogue: and many similar illiberal insinuations will be thrown out; but, sir, conscious rectitude outweighs these things with me. I see great jeopardy in this new government: I see none from our present one. I hope some gentleman or other will bring forth, in full array, those dangers, if there be any, that we may see and touch them; I have said that I thought this a consolidated government: I will now prove it. Will the great rights of the people be secured by this government? Suppose it should prove oppressive, how can it be altered? Our bill of rights declares, "That a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish it, in such manner as

shall be judged most conducive to the public weal." I have just proved, that one-tenth, or less, of the people of America—a most despicable minority, may prevent this reform, or alteration. Suppose the people of Virginia should wish to alter their government, can a majority of them do it? No, because they are connected with other men; or, in other words, consolidated with other States. When the people of Virginia, at a future day, shall wish to alter their government, though they should be unanimous in this desire, yet they may be prevented therefrom by a despicable minority at the extremity of the United States. The founders of your own constitution made your government changeable: but the power of changing it is gone from you! Whither is it gone? It is placed in the same hands that hold the rights of twelve other States; and those, who hold those rights, have right and power to keep them. It is not the particular government of Virginia; one of the leading features of that government is, that a majority can alter it, when necessary for the public good. This government is not a Virginian, but an American government. Is it not therefore a consolidated government? The sixth clause of your bill of rights tells you, "That elections of members to serve as representatives of the people in Assembly, ought to be free, and that all men, having sufficient evidence of permanent, common interest with, and attachment to the community, have the right of suffrage, and cannot be taxed or deprived of their property, for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good." But what does this constitution say? The clause under consideration gives an unlimited and unbounded power of taxation. Suppose every delegate from Virginia opposes a law laying a tax, what will it avail? They are opposed by a majority; eleven members can destroy their efforts: those feeble ten cannot prevent the passing the most oppressive tax-law. So that in direct opposition to the spirit and express language of your declaration of rights, you are taxed, not by your own consent, but by people who have no connection with you.

The next clause of the Bill of Rights tells you, "That all power of suspending law, or the execution of laws, by any authority, without the consent of the representatives of the people, is in-

jurious to their rights, and ought not to be exercised." This tells us that there can be no suspension of government, or laws, without our own consent; yet this constitution can counteract and suspend any of our laws, that contravene its oppressive operation; for they have the power of direct taxation, which suspends our Bill of Rights; and it is expressly provided that they can make all laws necessary for carrying their powers into execution; and it is declared paramount to the laws and constitutions of the States. Consider how the only remaining defence, we have left, is destroyed in this manner. Besides the expenses of maintaining the Senate and other House in as much splendor as they please, there is to be a great and mighty president, with very extensive powers—the powers of a king. He is to be supported in extravagant magnificence: so that the whole of our property may be taken by this American government, by laying what taxes they please, giving themselves what salaries they please, and suspending our laws at their pleasure. I might be thought too inquisitive, but I believe I should take up but very little of your time in enumerating the little power that is left to the government of Virginia; for this power is reduced to little or nothing. Their garrisons, magazines, arsenals, and forts, which will be situated in the strongest places within the States—their ten miles square, with all the fine ornaments of human life, added to their powers, and taken from the States, will reduce the power of the latter to nothing. The voice of tradition, I trust, will inform posterity of our struggles for freedom. If our descendants be worthy the name of Americans, they will preserve, and hand down to their latest posterity, the transactions of the present times; and though, I confess, my exclamations are not worthy the hearing, they will see that I have done my utmost to preserve their liberty: for I never will give up the power of direct taxation, but for a scourge. I am willing to give it conditionally; that is, after non-compliance with requisitions: I will do more, sir, and what I hope will convince the most sceptical man that I am a lover of the American Union; that in case Virginia shall not make punctual payment, the control of our custom-houses, and the whole regulation of trade, shall be given to Congress; and that Virginia shall depend on Congress even for passports, till Virginia shall have paid the last farthing, and furnished the last soldier. Nay, sir,

there is another alternative to which I would consent: even that they should strike us out of the Union, and take away from us all federal privileges, till we comply with federal requisitions; but let it depend upon our own pleasure to pay our money in the most easy manner for our people. Were all the States, more terrible than the mother-country, to join against us, I hope Virginia could defend herself; but, sir, the dissolution of the Union is most abhorrent to my mind. The first thing I have at heart is American liberty; the second thing is American union; and I hope the people of Virginia will endeavor to preserve that union. The increasing population of the Southern States is far greater than that of New England; consequently, in a short time, they will be far more numerous than the people of that country. Consider this, and you will find this State more particularly interested to support American liberty, and not bind our posterity by an improvident relinquishment of our rights. I would give the best security for a punctual compliance with requisitions; but I beseech gentlemen, at all hazards, not to grant this unlimited power of taxation.

The honorable gentleman has told us that these powers given to Congress, are accompanied by a judiciary which will correct all. On examination, you will find this very judiciary oppressively constructed, your jury-trial destroyed, and the judges dependent on Congress. In this scheme of energetic government, the people will find two sets of tax-gatherers—the State and the federal sheriffs. This, it seems to me, will produce such dreadful oppression, as the people cannot possibly bear. The federal sheriff may commit what oppression, make what distresses, he pleases, and ruin you with impunity: for how are you to tie his hands? Have you any sufficient, decided means of preventing him from sucking your blood by peculations, commissions, and fees? Thus thousands of your people will be most shamefully robbed. Our State sheriffs, those unfeeling blood-suckers, have, under the watchful eye of our legislature, committed the most horrid and barbarous ravages on our people. It has required the most constant vigilance of the legislature to keep them from totally ruining the people. A repeated succession of laws has been made, to suppress their iniquitous speculations and cruel extortions; and as often has their nefari-

ous ingenuity devised methods of evading the force of those laws: in the struggle, they have generally triumphed over the legislature. It is a fact, that lands have sold for five shillings which were worth one hundred pounds. If sheriffs, thus immediately under the eye of our State legislature and judiciary, have dared to commit these outrages, what would they not have done if their masters had been at Philadelphia or New York? If they perpetrate the most unwarrantable outrage, on your persons or property, you cannot get redress on this side of Philadelphia or New York: and how can you get it there? If your domestic avocations could permit you to go thither, there you must appeal to judges sworn to support this constitution in opposition to that of any State, and who may also be inclined to favor their own officers. When these harpies are aided by excisemen, who may search, at any time, your houses and most secret recesses, will the people bear it? If you think so, you differ from me. Where I thought there was a possibility of such mischiefs, I would grant power with a niggardly hand; and here there is a strong probability that these oppressions shall actually happen. I may be told, that it is safe to err on that side; because such regulations may be made by Congress, as shall restrain these officers, and because laws are made by our representatives, and judged by righteous judges: but, sir, as these regulations may be made, so they may not; and many reasons there are to induce a belief, that they will not: I shall therefore be an infidel on that point till the day of my death.

This constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting; it squints towards monarchy: and does not this raise indignation in the breast of every true American? Your President may easily become king. Your Senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority: and a very small minority may continue forever unchangeably this government, although horridly defective. Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power

to perpetrate the worst of mischiefs, should they be bad men. And, sir, would not all the world, from the eastern to the western hemisphere, blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty. I say that the loss of that dearest privilege has ever followed, with absolute certainty, every such mad attempt. If your American chief be a man of ambition and abilities, how easy will it be for him to render himself absolute! The army is in his hands, and, if he be a man of address, it will be attached to him; and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design. And, sir, will the American spirit solely relieve you when this happens? I would rather infinitely, and I am sure most of this convention are of the same opinion, have a king, lords and commons, than a government so replete with such insupportable evils. If we make a king, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them: but the President in the field, at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. I cannot, with patience, think of this idea. If ever he violates the laws, one of two things will happen: he will come at the head of his army to carry everything before him; or he will give bail, to do what Mr. Chief Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of everything, and being ignominiously tried and punished, powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not, at the head of his army, beat down every opposition? Away with your President, we shall have a king: the army will salute him monarch; your militia will leave you, and assist in making him king, and fight against you: and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?

[Here the reporter, unable to follow Mr. Henry, notes that he strongly and pathetically expatiated on the probability of the President's enslaving America, and the horrid consequences that must result.]

What can be more defective than the clause concerning the elections? The control given to Congress, over the time, place and manner of holding elections, will totally destroy the end of suffrage. The elections may be held at one place, and the most inconvenient in the State; or they may be at remote distances from those who have a right of suffrage: hence, nine out of ten must either not vote at all, or vote for strangers: for the most influential characters will be applied to, to know who are the most proper to be chosen. I repeat, that the control of Congress over the manner, etc., of electing, well warrants the idea. The natural consequence will be, that this democratic branch will possess none of the public confidence: the people will be prejudiced against representatives chosen in such an injudicious manner. The proceedings in the northern conclave will be hidden from the yeomanry of this country. We are told, that the yeas and nays shall be taken and entered on the journals: this, sir, will avail nothing: it may be locked up in their chests, and concealed forever from the people; for they are not to publish what parts they think require secrecy; they may think, and will think, the whole requires it.

Another beautiful feature of this constitution, is the publication, from time to time, of the receipts and expenditures of the public money. This expression, from time to time, is very indefinite and indeterminate: it may extend to a century. Grant that any of them are wicked, they may squander the public money so as to ruin you, and yet this expression will give you no redress. I say, they may ruin you; for where, sir, is the responsibility? The yeas and nays will show you nothing, unless they be fools as well as knaves; for, after having wickedly trampled on the rights of the people, they would act like fools indeed, were they to publish and divulge their iniquity, when they have it equally in their power to suppress and conceal it. Where is the responsibility—that leading principle in the British government? In that government, a punishment, certain and inevitable, is provided; but in this, there is no real, actual punishment for the grossest maladministration. They may go without punishment, though they commit the most outrageous violation on our immunities. That paper may tell me they will be punished. I ask, by what law? They must make the law, for there is no existing law to do it. What—will they make a

law to punish themselves? This, sir, is my great objection to the constitution, that there is no true responsibility, and that the preservation of our liberty depends on the single chance of men being virtuous enough to make laws to punish themselves. In the country from which we are descended, they have real, and not imaginary responsibility; for there, maladministration has cost their heads to some of the most saucy geniuses that ever were. The Senate, by making treaties, may destroy your liberty and laws, for want of responsibility. Two-thirds of those that shall happen to be present, can, with the President, make treaties that shall be the supreme law of the land: they may make the most ruinous treaties, and yet there is no punishment for them. Whoever shows me a punishment provided for them, will oblige me. So, sir, notwithstanding there are eight pillars, they want another. Where will they make another? I trust, sir, the exclusion of the evils wherewith this system is replete, in its present form, will be made a condition precedent to its adoption, by this or any other State. The transition from a general, unqualified admission to offices, to a consolidation of government, seems easy; for, though the American States are dissimilar in their structure, this will assimilate them: this, sir, is itself a strong consolidating feature, and is not one of the least dangerous in that system. Nine States are sufficient to establish this government over those nine. Imagine that nine have come into it. Virginia has certain scruples. Suppose she will consequently refuse to join with those States: may not they still continue in friendship and union with her? If she sends her annual requisitions in dollars, do you think their stomachs will be so squeamish as to refuse her dollars? Will they not accept her regiments? They would intimidate you into an inconsiderate adoption, and frighten you with ideal evils, and that the Union shall be dissolved. 'Tis a bugbear, sir: the fact is, sir, that the eight adopting States can hardly stand on their own legs. Public fame tells us, that the adopting States have already heart-burnings and animosity, and repent their precipitate hurry: this, sir, may occasion exceeding great mischief. When I reflect on these, and many other circumstances, I must think those States will be found to be in confederacy with us. If we pay our quota of money annually, and furnish our ratable number of men, when necessary, I can see no danger from a

rejection. The history of Switzerland clearly proves that we might be in amicable alliance with those States, without adopting this constitution. Switzerland is a confederacy, consisting of dissimilar governments. This is an example, which proves that governments of dissimilar structures may be confederated. That confederate republic has stood upwards of four hundred years; and, although several of the individual republics are democratic, and the rest aristocratic, no evil has resulted from this dissimilarity, for they have braved all the power of France and Germany, during that long period. The Swiss spirit, sir, has kept them together; they have encountered and overcome immense difficulties, with patience and fortitude. In the vicinity of powerful and ambitious monarchs, they have retained their independence, republican simplicity and valor. Look at the peasants of that country, and of France, and mark the difference. You will find the condition of the former far more desirable and comfortable. No matter whether a people be great, splendid and powerful, if they enjoy freedom. The Turkish Grand Seignior, alongside of our President, would put us to disgrace: but we should be abundantly consoled for this disgrace, should our citizen be put in contrast with the Turkish slave.

The most valuable end of government is the liberty of the inhabitants. No possible advantages can compensate for the loss of this privilege. Show me the reason why the American Union is to be dissolved. Who are those eight adopting States? Are they averse to give us a little time to consider, before we conclude? Would such a disposition render a junction with them eligible; or, is it the genius of that kind of government, to precipitate a people hastily into measures of the utmost importance, and grant no indulgence? If it be, sir, is it for us to accede to such a government? We have a right to have time to consider—we shall therefore insist upon it. Unless the government be amended, we can never accept it. The adopting States will doubtless accept our money and our regiments; and what is to be the consequence, if we are disunited? I believe that it is yet doubtful, whether it is not proper to stand by awhile, and see the effect of its adoption in other States. In forming a government the utmost care should be taken to prevent its becoming oppressive; and this government is of such an intricate and

complicated nature, that no man on this earth can know its real operation. The other States have no reason to think, from the antecedent conduct of Virginia, that she has any intention of seceding from the Union, or of being less active to support the general welfare. Would they not, therefore, acquiesce in our taking time to deliberate—deliberate whether the measure be not perilous, not only for us, but the adopting States. Permit me, sir, to say, that a great majority of the people, even in the adopting States, are averse to this government. I believe I would be right to say, that they have been egregiously misled. Pennsylvania has, perhaps, been tricked into it. If the other States, who have adopted it, have not been tricked, still they were too much hurried into its adoption. There were very respectable minorities in several of them; and, if reports be true, a clear majority of the people are averse to it. If we also accede, and it should prove grievous, the peace and prosperity of our country, which we all love, will be destroyed. This government has not the affection of the people, at present. Should it be oppressive, their affection will be totally estranged from it—and, sir, you know, that a government without their affections can neither be durable nor happy. I speak as one poor individual—but, when I speak, I speak the language of thousands. But, sir, I mean not to breathe the spirit, nor utter the language of secession.

I have trespassed so long on your patience, I am really concerned that I have something yet to say. The honorable member has said that we shall be properly represented: remember, sir, that the number of our representatives is but ten, whereof six are a majority. Will those men be possessed of sufficient information? A particular knowledge of particular districts will not suffice. They must be well acquainted with agriculture, commerce, and a great variety of other matters throughout the continent; they must know not only the actual state of nations in Europe and America, the situation of their farmers, cottagers and mechanics, but also the relative situation and intercourse of those nations. Virginia is as large as England. Our proportion of representatives is but ten men. In England they have five hundred and thirty. The House of Commons in England, numerous as they are, we are told, is bribed, and have bartered away the rights of their constituents: what then shall become of

us? Will these few protect our rights? Will they be incorruptible? You say they will be better men than the English commoners. I say they will be infinitely worse men, because they are to be chosen blindfolded: their election (the term, as applied to their appointment, is inaccurate) will be an involuntary nomination, and not a choice. I have, I fear, fatigued the committee, yet I have not said the one hundred thousandth part of what I have on my mind, and wish to impart. On this occasion, I conceived myself bound to attend strictly to the interests of the State; and I thought her dearest rights at stake: having lived so long—been so much honored—my efforts, though small, are due to my country. I have found my mind hurried on from subject to subject, on this very great occasion. We have all been out of order, from the gentleman who opened to-day, to myself. I did not come prepared to speak on so multifarious a subject, in so general a manner. I trust you will indulge me another time. Before you abandon the present system, I hope you will consider not only its defects most maturely, but likewise those of that which you are to substitute for it. May you be fully apprised of the dangers of the latter, not by fatal experience, but by some abler advocate than I.

[Mr. Henry was followed by Governor Randolph, Mr. Madison, Mr. Nicholas, and Mr. Corbin. Randolph and Madison each spoke twice. On June 7th, Mr. Henry continued his remarks.]

Mr. Chairman: I have thought, and still think, that a full investigation of the actual situation of America ought to precede any decision on this great and important question. That government is no more than a choice among evils, is acknowledged by the most intelligent among mankind, and has been a standing maxim for ages. If it be demonstrated that the adoption of the new plan is a little or a trifling evil, then, sir, I acknowledge that adoption ought to follow: but, sir, if this be a truth, that its adoption may entail misery on the free people of this country, I then insist, that rejection ought to follow. Gentlemen strongly urge that its adoption will be a mighty benefit to us: but, sir, I am made of such incredulous materials, that assertions and declarations do not satisfy me. I must be convinced, sir. I shall retain my infidelity on that subject till

I see our liberties secured in a manner perfectly satisfactory to my understanding.

There are certain maxims, by which every wise and enlightened people will regulate their conduct. There are certain political maxims, which no free people ought ever to abandon: maxims, of which the observance is essential to the security of happiness. It is impiously irritating the avenging hand of Heaven, when a people, who are in the full enjoyment of freedom, launch out into the wide ocean of human affairs, and desert those maxims which alone can preserve liberty. Such maxims, humble as they are, are those only which can render a nation safe or formidable. Poor little humble republican maxims have attracted the admiration and engaged the attention of the virtuous and wise in all nations, and have stood the shock of ages. We do not now admit the validity of maxims which we once delighted in. We have since adopted maxims of a different, but more refined nature; new maxims, which tend to the prostration of republicanism.

We have one, sir, that all men are by nature free and independent, and have certain inherent rights, of which, when they enter into society, they cannot, by any compact, deprive or divest their posterity. We have a set of maxims of the same spirit, which must be beloved by every friend to liberty, to virtue, to mankind—our Bill of Rights contains those admirable maxims.

Now, sir, I say, let us consider whether the picture given of American affairs ought to drive us from those beloved maxims.

The honorable gentleman (Mr. Randolph) has said, that it is too late in the day for us to reject this new plan. That system which was once execrated by the honorable member, must now be adopted, let its defects be ever so glaring. That honorable member will not accuse me of want of candor, when I cast in my mind what he has given the public, and compare it to what has happened since. It seems to me very strange and unaccountable, that what was the object of his execration should now receive his encomiums. Something extraordinary must have operated so great a change in his opinion. It is too late in the day! Gentlemen must excuse me, if they should declare again and again, that it is too late, and I should think differ-

ently. I never can believe, sir, that it is too late to save all that is precious. If it be proper, and, independently of every external consideration, wisely constructed, let us receive it: but, sir, shall its adoption by eight States induce us to receive it, if it be replete with the most dangerous defects? They urge, that subsequent amendments are safer than previous amendments, and that they will answer the same ends. At present, we have our liberties and our privileges in our own hands. Let us not relinquish them. Let us not adopt this system till we see them secured. There is some small possibility, that should we follow the conduct of Massachusetts, amendments might be obtained. There is a small possibility of amending any government: but, sir, shall we abandon our inestimable rights, and rest their security on a mere possibility? The gentleman fears the loss of the Union. If eight States have ratified it unamended, and we should rashly imitate their precipitate example, do we not thereby disunite from several other States? Shall those who have risked their lives for the sake of union, be at once thrown out of it? If it be amended, every State will accede to it; but by an imprudent adoption in its defective and dangerous state, a schism must inevitably be the consequence; I can never, therefore, consent to hazard our unalienable rights on an absolute uncertainty. You are told there is no peace, although you fondly flatter yourselves that all is peace—no peace; a general cry and alarm in the country; commerce, riches and wealth vanished; citizens going to seek comforts in other parts of the world; laws insulted; many instances of tyrannical legislation. These things, sir, are new to me. He has made the discovery. As to the administration of justice, I believe that failures in commerce, etc., cannot be attributed to it. My age enables me to recollect its progress under the old government. I can justify it by saying, that it continues in the same manner in this State, as it did under the former government. As to other parts of the continent, I refer that to other gentlemen. As to the ability of those who administer it, I believe they would not suffer by a comparison with those who administered it under the royal authority. Where is the cause of complaint if the wealthy go away? Is this, added to the other circumstances, of such enormity, and does it bring such danger over this commonwealth, as to warrant so important and

so awful a change, in so precipitate a manner? As to insults offered to the laws, I know of none. In this respect I believe this commonwealth would not suffer by a comparison with the former government. The laws are as well executed, and as patiently acquiesced in, as they were under the royal administration. Compare the situation of the country; compare that of our citizens to what they were then, and decide whether persons and property are not as safe and secure as they were at that time. Is there a man in this commonwealth, whose person can be insulted with impunity? Cannot redress be had here for personal insults or injuries, as well as in any part of the world; as well as in those countries where aristocrats and monarchs triumph and reign? Is not the protection of property in full operation here? The contrary cannot, with truth, be charged on this commonwealth. Those severe charges which are exhibited against it, appear to me totally groundless. On a fair investigation, we shall be found to be surrounded by no real dangers. We have the animating fortitude and persevering alacrity of republican men, to carry us through misfortunes and calamities. 'Tis the fortune of a republic to be able to withstand the stormy ocean of human vicissitudes. I know of no danger awaiting us. Public and private security are to be found here in the highest degree. Sir, it is the fortune of a free people not to be intimidated by imaginary dangers. Fear is the passion of slaves. Our political and natural hemispheres are now equally tranquil. Let us recollect the awful magnitude of the subject of our deliberation. Let us consider the latent consequences of an erroneous decision, and let not our minds be led away by unfair misrepresentations and uncandid suggestions. There have been many instances of uncommon lenity and temperance used in the exercise of power in this commonwealth. I could call your recollection to many that happened during the war and since, but every gentleman here must be apprised of them.

The honorable member has given you an elaborate account of what he judges tyrannical legislation, and an *ex post facto* law in the case of Josiah Phillips. He has misrepresented the facts. That man was not executed by a tyrannical stroke of power; nor was he a Socrates. He was a fugitive murderer and an outlaw; a man who commanded an infamous banditti,

at a time when the war was at the most perilous stage. He committed the most cruel and shocking barbarities. He was an enemy to the human name. Those who declare war against the human race may be struck out of existence as soon as they are apprehended. He was not executed according to those beautiful legal ceremonies which are pointed out by the laws, in criminal cases. The enormity of his crimes did not entitle him to it. I am truly a friend to legal forms and methods; but, sir, the occasion warranted the measure. A pirate, an outlaw, or a common enemy to all mankind, may be put to death at any time. It is justified by the laws of nature and nations.

The honorable member tells us then that there are burnings and discontents in the hearts of our citizens in general, and that they are dissatisfied with their government. I have no doubt the honorable member believes this to be the case, because he says so. But I have the comfortable assurance, that it is a certain fact, that it is not so. The middle and lower ranks of people have not those illumined ideas which the well-born are so happily possessed of; they cannot so readily perceive latent objects. The microscopic eyes of modern statesmen can see abundance of defects in old systems; and their illumined imaginations discover the necessity of a change. They are captivated by the parade of the number ten; the charms of the ten miles square. Sir, I fear this change will ultimately lead to our ruin. My fears are not the force of imagination; they are but too well founded. I tremble for my country: but, sir, I trust, I rely, and I am confident, that this political speculation has not taken so strong a hold of men's minds as some would make us believe.

The dangers which may arise from our geographical situation, will be more properly considered awhile hence. At present, what may be surmised on the subject, with respect to the adjacent States, is merely visionary. Strength, sir, is a relative term. When I reflect on the natural force of those nations that might be induced to attack us, and consider the difficulty of the attempt and uncertainty of the success, and compare thereto the relative strength of our country, I say that we are strong. We have no cause to fear from that quarter; we have nothing to dread from our neighboring States. The superiority of our cause would give us an advantage over them, were they so

unfriendly or rash as to attack us. As to that part of the community which the honorable gentleman spoke of as in danger of being separated from us, what incitement or inducement could its inhabitants have to wish such an event? It is a matter of doubt whether they would derive any advantage to themselves, or be any loss to us by such a separation. Time has been, and may yet come, when they will find it their advantage and true interest to be united with us. There is no danger of a dismemberment of our country, unless a constitution be adopted which will enable the government to plant enemies on our backs. By the confederation, the rights of territory are secured. No treaty can be made without the consent of nine States. While the consent of nine States is necessary to the cession of territory, you are safe. If it be put in the power of a less number, you will most infallibly lose the Mississippi. As long as we can preserve our unalienable rights, we are in safety. This new constitution will involve in its operation the loss of the navigation of that valuable river. The honorable gentleman cannot be ignorant of the Spanish transactions. A treaty had been nearly entered into with Spain, to relinquish that navigation, and that relinquishment would absolutely have taken place, had the consent of seven States been sufficient. The honorable gentleman told us then, that eight States having adopted this system, we cannot suppose they will recede on our account. I know not what they may do; but this I know, that a people of infinitely less importance than those of Virginia, stood the terror of war. Vermont, sir, withstood the terror of thirteen States. Maryland did not accede to the confederation till the year 1781. These two States, feeble as they are, comparatively to us, were not afraid of the whole Union. Did either of these States perish? No, sir, they were admitted freely into the Union. Will not Virginia then be admitted? I flatter myself that those States who have ratified the new plan of government will open their arms and cheerfully receive us, although we should propose certain amendments as the conditions on which we would ratify it. During the late war all the States were in pursuit of the same object. To obtain that object, they made the most strenuous exertions. They did not suffer trivial considerations to impede its acquisition. Give me leave to say, that if the smallest States in the Union

were admitted into it, after having unreasonably procrastinated their accession, the greatest and most mighty State in the Union will be easily admitted, when her reluctance to an immediate accession to this system is founded on the most reasonable grounds. When I call this the most mighty State in the Union, do I not speak the truth? Does not Virginia surpass every State in the Union in numbers of inhabitants, extent of territory, felicity of position, and affluence and wealth? Some infatuation hangs over men's minds, that they will inconsiderately precipitate into measures the most important, and give not a moment's deliberation to others, nor pay any respect to their opinions. Is this federalism? Are these the beloved effects of the federal spirit, that its votaries will never accede to the just propositions of others? Sir, were there nothing objectionable in it but that, I would vote against it. I desire to have nothing to do with such men as will obstinately refuse to change their opinions. Are our opinions not to be regarded? I hope that you will recollect that you are going to join with men who will pay no respect even to this State.

Switzerland consists of thirteen cantons expressly confederated for national defence. They have stood the shock of four hundred years: that country has enjoyed internal tranquillity most of that long period. Their dissensions have been, comparatively to those of other countries, very few. What has passed in the neighboring countries? wars, dissensions and intrigues—Germany involved in the most deplorable civil war thirty years successively, continually convulsed with intestine divisions, and harassed by foreign wars—France with her mighty monarchy perpetually at war. Compare the peasants of Switzerland with those of any other mighty nation; you will find them far more happy: for one civil war among them, there have been five or six among other nations: their attachment to their country, and to freedom, their resolute intrepidity in their defence, the consequent security and happiness which they have enjoyed, and the respect and awe which these things produced in their bordering nations, have signalized those republicans. Their valor, sir, has been active; everything that set in motion the springs of the human heart, engaged them to the protection of their inestimable privileges. They have not

only secured their own liberty, but have been the arbiters of the fate of other people. Here, sir, contemplate the triumph of republican governments over the pride of monarchy. I acknowledge, sir, that the necessity of national defence has prevailed in invigorating their councils and arms, and has been, in a considerable degree, the means of keeping these honest people together. But, sir, they have had wisdom enough to keep together and render themselves formidable. Their heroism is proverbial. They would heroically fight for their government and their laws. One of the illumined sons of these times would not fight for those objects. Those virtuous and simple people have not a mighty and splendid president, nor enormously expensive navies and armies to support. No, sir, those brave republicans have acquired their reputation no less by their undaunted intrepidity, than by the wisdom of their frugal and economical policy. Let us follow their example, and be equally happy. The honorable member advises us to adopt a measure which will destroy our Bill of Rights; for, after hearing his picture of nations, and his reasons for abandoning all the powers retained to the States by the confederation, I am more firmly persuaded of the impropriety of adopting this new plan in its present shape.

I had doubts of the power of those who went to the convention; but now we are possessed of it, let us examine it. When we trusted the great object of revising the confederation to the greatest, the best, and most enlightened of our citizens, we thought their deliberations would have been solely confined to that revision. Instead of this, a new system, totally different in its nature, and vesting the most extensive powers in Congress, is presented. Will the ten men you are to send to Congress be more worthy than those seven were? If power grew so rapidly in their hands, what may it not do in the hands of others? If those who go from this State will find power accompanied with temptation, our situation must be truly critical. When about forming a government, if we mistake the principles, or commit any other error, the very circumstance promises that power will be abused. The greatest caution and circumspection are therefore necessary; nor does this proposed system in its investigation here, deserve the least charity.

The honorable member says, that the national government

is without energy. I perfectly agree with him: and when he cried out union, I agreed with him: but I tell him not to mistake the end for the means. The end is union; the most capital means, I suppose, are an army and navy: on a supposition I will acknowledge this; still the bare act of agreeing to that paper, though it may have an amazing influence, will not pay our millions. There must be things to pay debts. What these things are, or how they are to be produced, must be determined by our political wisdom and economy.

The honorable gentleman alleges, that previous amendments will prevent the junction of our riches from producing great profits and emoluments (which would enable us to pay our public debts), by excluding us from the Union. I believe, sir, that a previous ratification of a system notoriously and confessedly defective, will endanger our riches, our liberty, our all. Its defects are acknowledged; they cannot be denied. The reason offered by the honorable gentleman for adopting this defective system, is the adoption by eight States. I say, sir, that, if we present nothing but what is reasonable in the shape of amendments, they will receive us. Union is as necessary for them as for us. Will they then be so unreasonable as not to join us? If such be their disposition, I am happy to know it in time.

The honorable member then observed, that nations will expend millions for commercial advantages; that is, they will deprive you of every advantage if they can. Apply this another way. Their cheaper way, instead of laying out millions in making war upon you, will be to corrupt your senators. I know that if they be not above all price, they may make a sacrifice of our commercial interests. They may advise your President to make a treaty that will not only sacrifice all your commercial interests, but throw prostrate your Bill of Rights. Does he fear that their ships will outnumber ours on the ocean, or that nations, whose interests come in contrast with ours, in the progress of their guilt, will perpetrate the vilest expedients to exclude us from a participation in commercial advantages? Does he advise us, in order to avoid this evil, to adopt a constitution, which will enable such nations to obtain their ends by the more easy mode of contaminating the principles of our senators? Sir, if our senators will not be corrupted, it will be

because they will be good men; and not because the constitution provides against corruption; for there is no real check secured in it, and the most abandoned and profligate acts may with impunity be committed by them.

With respect to Maryland, what danger from thence? I know none. I have not heard of any hostility premeditated or committed. Nine-tenths of the people have not heard of it. Those who are so happy as to be illumined have not informed their fellow-citizens of it. I am so valiant as to say, that no danger can come from that source, sufficient to make me abandon my republican principles. The honorable gentleman ought to have recollected, that there were no tyrants in America, as there are in Europe: the citizens of republican borders are only terrible to tyrants: instead of being dangerous to one another, they mutually support one another's liberties. We might be confederated with the adopting States, without ratifying this system. No form of government renders a people more formidable. A confederacy of States joined together, becomes strong as the United Netherlands. The government of Holland (execrated as it is) proves that the present confederation is adequate to every purpose of human association. There are seven provinces confederated together for a long time, containing numerous opulent cities and many of the finest ports in the world. The recollection of the situation of that country, would make me execrate monarchy. The singular felicity and success of that people, are unparalleled; freedom has done miracles there in reclaiming land from the ocean. It is the richest spot on the face of the globe. Have they no men or money? Have they no fleets or armies? Have they no arts or sciences among them? How did they repel the attacks of the greatest nations in the world? How have they acquired their amazing influence and power? Did they consolidate government, to effect these purposes as we do? No, sir, they have triumphed over every obstacle and difficulty, and have arrived at the summit of political felicity, and of uncommon opulence, by means of a confederacy; that very government which gentlemen affect to despise. They have, sir, avoided a consolidation as the greatest of evils. They have lately, it is true, made one advance in that fatal progression. This misfortune burst on them by iniquity and artifice. That stadthold-

er, that executive magistrate, contrived it, in conjunction with other European nations. It was not the choice of the people. Was it owing to his energy that this happened? If two provinces have paid nothing, what have not the rest done? And have not these two provinces made other exertions? Ought they, to avoid this inconvenience, to have consolidated their different States, and have a ten miles square? Compare that little spot, nurtured by liberty, with the fairest country in the world. Does not Holland possess a powerful navy and army, and a full treasury? They did not acquire these by debasing the principles and trampling on the rights of their citizens. Sir, they acquired these by their industry, economy, and by the freedom of their government. Their commerce is the most extensive in Europe; their credit is unequalled; their felicity will be an eternal monument of the blessings of liberty; every nation in Europe is taught by them what they are, and what they ought to be. The contrast between those nations and this happy people is the most splendid spectacle for republicans, the greatest cause of exultation and triumph to the sons of freedom. While other nations, precipitated by the rage of ambition or folly, have, in the pursuit of the most magnificent projects, riveted the fetters of bondage on themselves and their descendants, these republicans have secured their political happiness and freedom. Where is there a nation to be compared to them? Where is there now, or where was there ever a nation, of so small a territory, and so few in number, so powerful, so wealthy, so happy? What is the cause of this superiority? Liberty, sir, the freedom of their government. Though they are now unhappily in some degree consolidated, yet they have my acclamations, when put in contrast with those millions of their fellow-men who lived and died slaves. The dangers of a consolidation ought to be guarded against in this country. I shall exert my poor talents to ward them off. Dangers are to be apprehended in whatever manner we proceed; but those of a consolidation are the most destructive. Let us leave no expedient untried to secure happiness; but whatever be our decision, I am consoled, if American liberty will remain entire only for half a century; and I trust that mankind in general, and our posterity in particular, will be compensated for every anxiety we now feel.

Another gentleman tells us, that no inconvenience will result from the exercise of the power of taxation by the general government; that two shillings out of ten may be saved by the impost; and that four shillings may be paid to the federal collector, and four to the State collector. A change of government will not pay money. If from the probable amount of the impost, you take the enormous and extravagant expenses, which will certainly attend the support of this great consolidated government, I believe you will find no reduction of the public burdens by this new system. The splendid maintenance of the President and of the members of both Houses; and the salaries and fees of the swarm of officers and dependents on the government will cost this continent immense sums. Double sets of collectors will double the expense. To these are to be added oppressive excisemen and custom-house officers. Sir, the people have an hereditary hatred of custom-house officers. The experience of the mother-country leads me to detest them. They have introduced their baneful influence into the administration, and destroyed one of the most beautiful systems that ever the world saw. Our forefathers enjoyed liberty there, while that system was in its purity, but it is now contaminated by influence of every kind.

The style of the government (we the people) was introduced, perhaps, to recommend it to the people at large; to those citizens who are to be levelled and degraded to the lowest degree, who are likened to a herd, and who, by the operation of this blessed system, are to be transformed from respectable, independent citizens, to abject, dependent subjects or slaves. The honorable gentleman has anticipated what we are to be reduced to, by degradingly assimilating our citizens to a herd.

[Here Mr. Randolph rose, and declared that he did not use that word to excite any odium, but merely to convey the idea of a multitude. Mr. Henry replied that it made a deep impression on his mind, and that he verily believed that system would operate as he had said. He then continued:]

I will exchange that abominable word for requisitions; requisitions which gentlemen affect to despise, have nothing degrading in them. On this depends our political prosperity. I never will give up that darling word, requisitions; my country may give it up; a majority may wrest it from me, but I will

never give it up till my grave. Requisitions are attended with one singular advantage. They are attended by deliberation. They secure to the States the benefit of correcting oppressive errors. If our assembly thought requisitions erroneous, if they throught the demand was too great, they might at least supplicate Congress to reconsider, that it was a little too much. The power of direct taxation was called by the honorable gentleman the soul of the government: another gentleman called it the lungs of the government. We all agree that it is the most important part of the body politic. If the power of raising money be necessary for the general government, it is no less so for the States. If money be the vitals of Congress, is it not precious for those individuals from whom it is to be taken? Must I give my soul, my lungs, to Congress? Congress must have our souls; the State must have our souls. This is dishonorable and disgraceful. These two co-ordinate, interfering, unlimited powers of harassing the community, are unexampled—unprecedented in history; they are the visionary projects of modern politicians: tell me not of imaginary means, but of reality: this political solecism will never tend to the benefit of the community. It will be as oppressive in practice as it is absurd in theory. If you part from this, which the honorable gentleman tells you is the soul of Congress, you will be inevitably ruined. I tell you, they shall not have the soul of Virginia. They tell us, that one collector may collect the federal and State taxes. The general government being paramount to the State legislatures, if the sheriff is to collect for both—his right hand for the Congress, his left for the State—his right hand being paramount over the left, his collections will go to Congress. We will have the rest. Deficiencies in collections will always operate against the States. Congress being the paramount, supreme power, must not be disappointed. Thus Congress will have an unlimited, unbounded command over the soul of this commonwealth. After satisfying their uncontrolled demands, what can be left for the States? Not a sufficiency even to defray the expense of their internal administration. They must therefore glide imperceptibly and gradually out of existence. This, sir, must naturally terminate in a consolidation. If this will do for other people, it never will do for me.

If we are to have one representative for every 30,000 souls, it must be by implication. The constitution does not

positively secure it. Even say it is a natural implication, why not give us a right to that proportion in express terms, in language that could not admit of evasions or subterfuges? If they can use implication for us, they can also use implication against us. We are giving power; they are getting power; judge, then, on which side the implication will be used. When we once put it in their option to assume constructive power, danger will follow. Trial by jury, and liberty of the press, are also on this foundation of implication. If they encroach on these rights, and you give your implication for a plea, you are cast; for they will be justified by the last part of it, which gives them full power "to make all laws which shall be necessary and proper to carry their powers into execution." Implication is dangerous, because it is unbounded: if it be admitted at all, and no limits be prescribed, it admits of the utmost extension. They say that everything that is not given is retained. The reverse of the proposition is true by implication. They do not carry their implication so far when they speak of the general welfare. No implication when the sweeping clause comes. Implication is only necessary when the existence of privileges is in dispute. The existence of powers is sufficiently established. If we trust our dearest rights to implication, we shall be in a very unhappy situation.

Implication in England has been a source of dissension. There has been a war of implication between the King and people. For one hundred years did the mother-country struggle under the uncertainty of implication. The people insisted that their rights were implied: the monarch denied the doctrine. Their Bill of Rights in some degree terminated the dispute. By a bold implication, they said they had a right to bind us in all cases whatsoever. This constructive power we opposed, and successfully. Thirteen or fourteen years ago, the most important thing that could be thought of, was to exclude the possibility of construction and implication. These, sir, were then deemed perilous. The first thing that was thought of, was a Bill of Rights. We were not satisfied with your constructive argumentative rights.

[On the ninth Mr. Henry continued his remarks as follows:]

Mr. Chairman: I find myself again constrained to trespass

on the patience of this committee. I wish there was a prospect of union in our sentiments; so much time would not then be taken up. But when I review the magnitude of the subject under consideration, and of the dangers which appear to me in this new plan of government, and compare thereto my poor abilities to secure our rights, it will take much more time, in my poor unconnected way, to traverse the objectionable parts of it; there are friends here who will be abler than myself to make good these objections which to us appear well founded. If we recollect, on last Saturday, I made some observations on some of those dangers, which these gentlemen would fain persuade us hang over the citizens of this commonwealth, to induce us to change the government, and adopt the new plan. Unless there be great and awful dangers, the change is dangerous, and the experiment ought not to be made. In estimating the magnitude of these dangers, we are obliged to take a most serious view of them, to feel them, to handle them, and to be familiar with them. It is not sufficient to feign mere imaginary dangers; there must be a dreadful reality. The great question between us is, does that reality exist? These dangers are partially attributed to bad laws, execrated by the community at large. It is said the people wish to change the government. I should be happy to meet them on that ground. Should the people wish to change it, we should be innocent of the dangers. It is a fact, that the people do not wish to change their government. How am I to prove it? It will rest on my bare assertion, unless supported by an internal conviction in men's breasts. My poor say-so is a mere nonenity. But, sir, I am persuaded that four-fifths of the people of Virginia must have amendments to the new plan, to reconcile them to a change of their government. Our assertions form but a slippery foundation for the people to rest their political salvation on. No government can flourish unless it be founded on the affection of the people. Unless gentlemen can be sure that this new system is founded on that ground, they ought to stop their career.

I will not repeat what the gentlemen say, but will mention one thing. There is a dispute between us and the Spaniards, about the right of navigating the Mississippi. This dispute has sprung from the federal government. I wish a great deal to be said on this subject. I wish to know the origin and progress of

the business, as it would probably unfold great dangers. In my opinion, the preservation of that river calls for our most serious consideration. It has been agitated in Congress. Seven States have voted so as that it is known to the Spaniards, that under our existing system the Mississippi shall be taken from them. Seven States wished to relinquish this river to them. The six Southern States opposed it. Seven States not being sufficient to convey it away, it remains now ours. If I am wrong, there are a number on this floor who can contradict the facts; I will readily retract. This new government, I conceive, will enable those States, who have already discovered their inclination that way, to give away this river. Will the honorable gentleman advise us to relinquish this inestimable navigation, and place formidable enemies to our backs? This weak, this poor confederation cannot secure us. We are resolved to take shelter under the shield of federal authority in America. The southern parts of America have been protected by that weakness so much execrated. I hope this will be explained. I was not in Congress when these transactions took place. I may not have stated every fact. I may have misrepresented matters. I hope to be fully acquainted with everything relative to the subject. Let us hear how the great and important right of navigating that river has been attended to; and whether I am mistaken in my opinion, that federal measures will lose it to us forever. If a bare majority of Congress can make laws, the situation of our Western citizens is dreadful.

We are threatened with danger for the non-payment of the debt due to France. We have information from an illustrious citizen of Virginia, who is now in Paris, which disproves the suggestions of such danger. This citizen has not been in the airy regions of theoretic speculation; our ambassador is this worthy citizen. The ambassador of the United States of America is not so despised as the honorable gentleman would make us believe. A servant of a republic is as much respected as that of a monarch. The honorable gentleman tells us, that hostile fleets are to be sent to make reprisals upon us; our ambassador tells you, that the King of France has taken into consideration to enter into commercial regulations on reciprocal terms with us, which will be of peculiar advantage to us. Does this look like hostility? I might go further: I might say, not from

public authority, but good information, that his opinion is, that you reject this government. His character and abilities are in the highest estimation; he is well acquainted, in every respect, with this country; equally so with the policy of the European nations. This illustrious citizen advises you to reject this government, till it be amended. His sentiments coincide entirely with ours. His attachment to, and services done for this country, are well known. At a great distance from us, he remembers and studies our happiness. Living amidst splendor and dissipation, he thinks yet of bills of rights—thinks of those little despised things called maxims. Let us follow the sage advice of this common friend of our happiness. It is little usual for nations to send armies to collect debts. The House of Bourbon, that great friend of America, will never attack her for the unwilling delay of payment. Give me leave to say, that Europe is too much engaged about objects of greater importance to attend to us. On that great theatre of the world the little American matters vanish. Do you believe, that the mighty monarch of France, beholding the greatest scenes that ever engaged the attention of a prince of that country, will divert himself from those important objects, and now call for a settlement of accounts with America? This proceeding is not warranted by good-sense. The friendly disposition to us, and the actual situation of France, render the idea of danger from that quarter absurd. Would this countryman of ours be fond of advising us to a measure which he knew to be dangerous, and can it be reasonably supposed, that he can be ignorant of any premeditated hostility against this country? The honorable gentleman may suspect the account, but I will do our friend the justice to say that he would warn us of any danger from France.

Do you suppose the Spanish monarch will risk a contest with the United States when his feeble colonies are exposed to them? Every advance the people here make to the westward makes him tremble for Mexico and Peru. Despised as we are among ourselves under our present government, we are terrible to that monarchy. If this be not a fact, it is generally said so.

We are in the next place frightened by dangers from Holland. We must change our government to escape the wrath of that republic. Holland groans under a government like this

new one. A stadtholder, sir, a Dutch president has brought on that country miseries which will not permit them to collect debts with fleets or armies. The wife of a Dutch stadtholder brought one hundred thousand men against that republic, and prostrated all opposition. This president will bring miseries on us like those of Holland. Such is the condition of European affairs, that it would be unsafe for them to send fleets or armies to collect debts. But here, sir, they make a transition to objects of another kind. We are presented with dangers of a very uncommon nature. I am not acquainted with the arts of painting. Some gentlemen has a peculiar talent for them. They are practised with great ingenuity on this occasion. As a counterpart to what we have already been intimidated with, we are told, that some lands have been sold which cannot be found; and that this will bring war on this country. Here the picture will not stand examination. Can it be supposed, that if a few land speculators and jobbers have violated the principles of probity, it will involve this country in war? Is there no redress to be otherwise obtained, even admitting the delinquents and sufferers to be numerous? When gentlemen are thus driven to produce imaginary dangers, to induce this convention to assent to this change, I am sure it will not be uncandid to say, that the change itself is really dangerous. Then the Maryland compact is broken, and will produce perilous consequences. I see nothing very terrible in this. The adoption of the new system will not remove the evil. Will they forfeit good neighborhood with us, because the compact is broken? Then the disputes concerning the Carolina line are to involve us in dangers. A strip of land running from the westward of the Alleghany to the Mississippi, is the subject of this pretended dispute. I do not know the length or breadth of this disputed spot. Have they not regularly confirmed our right to it and relinquished all claims to it? I can venture to pledge, that the people of Carolina will never disturb us. The strength of this despised country has settled an immense tract of country to the westward. Give me leave to remark, that the honorable gentleman's observations on our frontiers, north and south, east and west, are all inaccurate.

Will Maryland fight against this country for seeking amendments? Were there not sixty members in that State who went

in quest of amendments? Sixty against eight or ten were in favor of pursuing amendments. Shall they fight us for doing what they themselves have done? They have sought amendments, but differently from the manner in which I wish amendments to be got. The honorable gentleman may plume himself on this difference. Will they fight us for this dissimilarity? Will they fight us for seeking the object they seek themselves? When they do, it will be time for me to hold my peace. Then, sir, comes Pennsylvania, in terrible array. Pennsylvania is to go in conflict with Virgina. Pennsylvania has been a good neighbor heretofore. She is federal—something terrible: Virginia cannot look her in the face. If we sufficiently attend to the actual situation of things, we will conclude that Pennsylvania will do what we do. A number of that country are strongly opposed to it. Many of them have lately been convinced of its fatal tendency. They are disgorged of their federalism. I beseech you to bring this matter home to yourselves. Was there a possibility for the people of that State to know the reasons of adopting that system or understand its principles, in so very short a period after its formation? This is the middle of June. Those transactions happened last August. The matter was circulated by every effort of industry, and the most precipitate measures taken to hurry the people into an adoption. Yet now, after having had several months since to investigate it, a very large part of this community—a very great majority of this community, do not understand it. I have heard gentlemen of respectable abilities declare they did not understand it. If after great pains, men of high learning, who have received the aid of a regular education, do not understand it; if the people of Pennsylvania understood it in so short a time, it must have been from intuitive understandings, and uncommon acuteness of perception. Place yourselves in their situation: would you fight your neighbors for considering this great and awful matter? If you wish for real amendments, such as the security of the trial by jury, it will reach the hearts of the people of that State. Whatever may be the disposition of the aristocratical politicians of that country, I know there are friends of human nature in that State. If so, they will never make war on those who make professions of what they are attached to themselves.

As to the danger arising from borderers, it is mutual and reciprocal. If it be dangerous for Virginia, it is equally so for them. It will be their true interest to be united with us. The danger of our being their enemies, will be a prevailing argument in our favor. It will be as powerful to admit us into the Union, as a vote of adoption without previous amendments could possibly be.

Then the savage Indians are to destroy us. We cannot look them in the face. The danger is here divided; they are as terrible to the other States as to us: but, sir, it is well known that we have nothing to fear from them. Our back settlers are considerably stronger than they, and their superiority increases daily. Suppose the States to be confederated all around us, what we want in number, we shall make up otherwise. Our compact situation and natural strength will secure us. But to avoid all dangers, we must take shelter under the federal government. Nothing gives a decided importance but this federal government. You will sip sorrow, according to the vulgar phrase, if you want any other security than the laws of Virginia.

A number of characters of the greatest eminence in this country, object to this government, for its consolidating tendency. This is not imaginary. It is a formidable reality. If consolidation proves to be as mischievous to this country as it has been to other countries, what will the poor inhabitants of this country do? This government will operate like an ambuscade. It will destroy the State governments, and swallow up the liberties of the people, without giving them previous notice. If gentlemen are willing to run the hazard, let them run it; but I shall exculpate myself by my opposition, and monitory warnings within these walls. But then comes paper money. We are at peace on this subject. Though this is a thing which that mighty federal convention had no business with, yet I acknowledge that paper money would be the bane of this country. I detest it. Nothing can justify a people in resorting to it, but extreme necessity. It is at rest, however, in this commonwealth. It is no longer solicited or advocated.

Sir, I ask you, and every other gentleman who hears me, if he can restrain his indignation at a system, which takes from the State legislatures the care and preservation of the inter-

ests of the people; one hundred and eighty representatives, the choice of the people of Virginia, cannot be trusted with their interests. They are a mobbish, suspected herd. This country has not virtue enough to manage its own internal interests. These must be referred to the chosen ten. If we cannot be trusted with the private contracts of the citizens, we must be depraved indeed. If he can prove, that, by one uniform system of abandoned principles, the legislature has betrayed the rights of the people, then let us seek another shelter. So degrading an indignity—so flagrant an outrage on the States—so vile a suspicion is humiliating to my mind, and many others.

Will the adoption of this new plan pay our debts? This, sir, is a plain question. It is inferred, that our grievances are to be redressed, and the evils of the existing system to be removed by the new constitution. Let me inform the honorable gentleman, that no nation ever paid its debts by a change of government, without the aid of industry. You never will pay your debts but by a radical change of domestic economy. At present, you buy too much, and make too little to pay. Will this new system promote manufactures, industry, and frugality? If, instead of this, your hopes and designs will be disappointed, you relinquish a great deal, and hazard infinitely more for nothing. Will it enhance the value of your lands? Will it lessen your burdens? Will your looms and wheels go to work by the act of adoption? If it will in its consequences produce these things, it will consequently produce a reform, and enable you to pay your debts. Gentlemen must prove it. I am a sceptic—an infidel on this point. I cannot conceive that it will have these happy consequences. I cannot confide in assertions and allegations. The evils that attend us, lie in extravagance and want of industry, and can only be removed by assiduity and economy. Perhaps we shall be told by gentlemen, that these things will happen, because the administration is to be taken from us, and placed in the hands of the luminous few, who will pay different attention, and be more studiously careful than we can be supposed to be.

With respect to the economical operation of the new government, I will only remark, that the national expenses will be increased—if not doubled, it will approach it very near. I

might, without incurring the imputation of illiberality or extravagance, say, that the expense will be multiplied tenfold. I might tell you of a numerous standing army; a great, powerful navy; a long and rapacious train of officers and dependents, independent of the President, senators and representatives, whose compensations are without limitation. How are our debts to be discharged unless the taxes are increased, when the expenses of government are so greatly augmented? The defects of this system are so numerous and palpable, and so many States object to it, that no union can be expected, unless it be amended. Let us take a review of the facts. New Hampshire and Rhode Island have rejected it. They have refused to become federal. New York and North Carolina are reported to be strongly against it. From high authority, give me leave to tell, that New York is in high opposition. Will any gentleman say that North Carolina is not against it? They may say so, but I say that the adoption of it, in those two States, amounts to entire uncertainty. The system must be amended before these four States will accede to it. Besides, there are several other States who are dissatisfied, and wish alterations. Massachusetts has, in decided terms, proposed amendments; but by her previous ratification, has put the cart before the horse. Maryland instituted a committee to propose amendments. It then appears, that two States have actually refused to adopt—two of those who have adopted, have a desire of amending. And there is a probability of its being rejected by New York and North Carolina. The other States have acceded without proposing amendments. With respect to them, local circumstances have, in my judgment, operated to produce its unconditional, instantaneous adoption. The locality of the seat of government, ten miles square, and the seat of justice, with all their concomitant emoluments, operated so powerfully with the first adopting State, that it was adopted without taking time to reflect. We are told that numerous advantages will result from the concentration of the wealth and grandeur of the United States in one happy spot, to those who will reside in or near it. Prospects of profit and emoluments have a powerful influence on the human mind. We, sir, have no such projects as that of a grand seat of government for thirteen States, and perhaps for one hundred States hereafter. Connecticut and New Jer-

sey have their localities also. New York lies between them. They have no ports, and are not importing States. New York is an importing State, and taking advantage of its situation, makes them pay duties for all the articles of their consumption: thus, these two States being obliged to import all they want, through the medium of New York, pay the particular taxes of that State. I know the force and effect of reasoning of this sort, by experience. When the impost was proposed some years ago those States which were not importing States readily agreed to concede to Congress the power of laying an impost on all goods imported for the use of the Continental treasury. Connecticut and New Jersey therefore, are influenced by advantages of trade in their adoption. The amounts of all imposts are to go into one common treasury. This favors adoption by the non-importing States; as they participate in the profits which were before exclusively enjoyed by the importing States. Notwithstanding this obvious advantage to Connecticut, there is a formidable minority there against it. After taking this general review of American affairs, as respecting federalism, will the honorable gentleman tell me, that he can expect union in America? When so many States are pointedly against it; when two adopting States have pointed out, in express terms, their dissatisfaction as it stands; and when there is so respectable a body of men discontented in every State; can the honorable gentleman promise himself harmony, of which he is so fond? If he can, I cannot. To me it appears unequivocally clear, that we shall not have that harmony. If it appears to the other States, that our aversion is founded on just grounds, will they not be willing to indulge us? If disunion will really result from Virginia's proposing amendments, will they not wish the re-establishment of the Union, and admit us, if not on such terms as we prescribe, yet on advantageous terms? Is not union as essential to their happiness, as to ours? Sir, without a radical alteration, the States will never be embraced in one federal pale. If you attempt to force it down men's throats and call it union, dreadful consequences must follow.

He has said a great deal about disunion and the dangers that are to arise from it. When we are on the subject of union and dangers, let me ask, how will his present doctrine hold with what has happened? Is it consistent with that noble and dis-

interested conduct which he displayed on a former occasion? Did he not tell us that he withheld his signature? Where then were the dangers which now appear to him so formidable? He saw all America eagerly confiding that the result of their deliberations would remove their distresses. He saw all America acting under the impulses of hope, expectation and anxiety, arising from their situation and their partiality for the members of that convention: yet his enlightened mind, knowing that system to be defective, magnanimously and nobly refused its approbation. He was not led by the illumined—the illustrious few. He was actuated by the dictates of his own judgment; and a better judgment than I can form. He did not stand out of the way of information. He must have been possessed of every intelligence. What alterations have a few months brought about? The internal difference between right and wrong does not fluctuate. It is immutable. I ask this question as a public man, and out of no particular view. I wish, as such, to consult every source of information, to form my judgment on so awful a question. I had the highest respect for the honorable gentleman's abilities. I considered his opinion as a great authority. He taught me, sir, in despite of the approbation of that great federal convention, to doubt of the propriety of that system. When I found my honorable friend in the number of those who doubted, I began to doubt also. I coincided with him in opinion. I shall be a stanch and faithful disciple of his. I applaud that magnanimity which led him to withhold his signature. If he thinks now differently, he is as free as I am. Such is my situation, that as a poor individual, I look for information everywhere.

This government is so new, it wants a name. I wish its other novelties were as harmless as this. He told us we had an American dictator in the year 1781. We never had an American President. In making a dictator, we followed the example of the most glorious, magnanimous and skilful nations. In great dangers this power has been given. Rome had furnished us with an illustrious example. America found a person worthy of that trust: she looked to Virginia for him. We gave a dictatorial power to hands that used it gloriously; and which were rendered more glorious by surrendering it up. Where is there a breed of such dictators? Shall we find a set of American Pres-

idents of such a breed? Will the American President come and lay prostrate at the feet of Congress his laurels? I fear there are few men who can be trusted on that head. The glorious republic of Holland has erected monuments to her warlike intrepidity and valor: yet she is now totally ruined by a stadtholder; a Dutch president. The destructive wars into which that nation has been plunged, have since involved her in ambition. The glorious triumphs of Blenheim and Ramillies were not so conformable to the genius, nor so much to the true interest of the republic, as those numerous and useful canals and dikes, and other objects at which ambition spurns. That republic has, however, by the industry of its inhabitants, and policy of its magistrates, suppressed the ill effects of ambition. Notwithstanding two of their provinces have paid nothing, yet I hope the example of Holland will tell us that we can live happily without changing our present despised government. Cannot people be as happy under a mild, as under an energetic government? Cannot content and felicity be enjoyed in a republic, as well as in a monarchy, because there are whips, chains and scourges used in the latter? If I am not as rich as my neighbor, if I give my mite, my all, republican forbearance will say, that it is sufficient. So said the honest confederates of Holland: "You are poor; we are rich. We will go on and do better, far better, than be under an oppressive government." Far better will it be for us to continue as we are, than go under that tight, energetic government. I am persuaded of what the honorable gentleman says, that separate confederacies will ruin us. In my judgment, they are evils never to be thought of till a people are driven by necessity. When he asks my opinion of consolidation, of one power to reign over America, with a strong hand, I will tell him I am persuaded of the rectitude of my honorable friend's opinion [Mr. Mason], that one government cannot reign over so extensive a country as this is, without absolute despotism. Compared to such a consolidation, small confederacies are little evils, though they ought to be recurred to but in case of necessity. Virginia and North Carolina are despised. They could exist separated from the rest of America. Maryland and Vermont were not overrun when out of the confederacy. Though it is not a desirable object, yet, I trust, that on examination it will be found, that Virginia and

North Carolina would not be swallowed up in case it was necessary for them to be joined together.

When we come to the spirit of domestic peace, the humble genius of Virginia has formed a government suitable to the genius of her people. I believe the hands that formed the American constitution triumph in the experiment. It proves that the man who formed it, and perhaps by accident, did what design could not do in other parts of the world. After all your reforms in government, unless you consult the genius of the inhabitants, you will never succeed; your system can have no duration. Let me appeal to the candor of the committee, if the want of money be not the source of all misfortunes. We cannot be blamed for not making dollars. This want of money cannot be supplied by changes in government. The only possible remedy, as I have before asserted, is industry aided by economy. Compare the genius of the people with the government of this country. Let me remark, that it stood the severest conflict during the war, to which human virtue has ever been called. I call upon every gentleman here to declare, whether the King of England had any subjects so attached to his family and government—so loyal as we were. But the genius of Virginia called us for liberty; called us from those beloved endearments which, from long habits, we were taught to love and revere. We entertained from our earliest infancy, the most sincere regard and reverence for the mother-country. Our partiality extended to a predilection for her customs, habits, manners and laws. Thus inclined, when the deprivation of our liberty was attempted, what did we do? What did the genius of Virginia tell us? "Sell all, and purchase liberty." This was a severe conflict. Republican maxims were then esteemed. Those maxims, and the genius of Virginia, landed you safe on the shore of freedom. On this awful occasion, did you want a federal government? Did federal ideas possess your minds? Did federal ideas lead you to the most splendid victories? I must again repeat the favorite idea, that the genius of Virginia did, and will again lead us to happiness. To obtain the most splendid prize, you did not consolidate. You accomplished the most glorious ends, by the assistance of the genius of your country. Men were then taught by that genius, that they were fighting for what was most dear to them. View the

most affectionate father, the most tender mother, operated on by liberty, nobly stimulating their sons, their dearest sons, sometimes their only son, to advance to the defence of his country. We have seen sons of Cincinnatus, without splendid magnificence or parade, going, with the genius of their great progenitor Cincinnatus, to the plough—men who served their country without ruining it; men who had served it to the destruction of their private patrimonies; their country owing them amazing amounts, for the payment of which no adequate provision was then made. We have seen such men throw prostrate their arms at your feet. They did not call for those emoluments which ambition presents to some imaginations. The soldiers, who were able to command everything, instead of trampling on those laws which they were instituted to defend, most strictly obeyed them. The hands of justice have not been laid on a single American soldier. Bring them into contrast with European veterans—you will see an astonishing superiority over the latter. There has been a strict subordination to the laws. The honorable gentleman's office gave him an opportunity of viewing if the laws were administered so as to prevent riots, routs, and unlawful assemblies. From his then situation, he could have furnished us with the instances in which licentiousness trampled on the laws. Among all our troubles, we have paid almost to the last shilling, for the sake of justice: we have paid as well as any State; I will not say better. To support the general government and our own legislature; to pay the interest of the public debts, and defray contingencies, we have been heavily taxed. To add to these things, the distresses produced by paper money, and by tobacco contracts, were sufficient to render any people discontented. These, sir, were great temptations; but in the most severe conflict of misfortunes, this code of laws—this genius of Virginia, call it what you will, triumphed over everything.

Why did it please the gentleman [Mr. Corbin], to bestow such epithets on our country? Have the worms taken possession of the wood, that our strong vessel—our political vessel, has sprung a leak? He may know better than I, but I consider such epithets to be the most illiberal and unwarrantable aspersions on our laws. The system of laws under which we have lived has been tried and found to suit our genius. I trust we

shall not change this happy system. I cannot so easily take leave of an old friend. Till I see him following after and pursuing other objects, which can pervert the great objects of human legislation, pardon me if I withhold my assent.

Some here speak of the difficulty in forming a new code of laws. Young as we were, it was not wonderful if there was a difficulty in forming and assimilating our system of laws. I shall be obliged to the gentleman, if he would point out those glaring, those great faults. The efforts of assimilating our laws to our genius have not been found altogether vain. I shall pass over some other circumstances which I intended to mention, and endeavor to come to the capital objection, which my honorable friend made. My worthy friend said that a republican form of government would not suit a very extensive country; but that if a government were judiciously organized and limits prescribed to it, an attention to these principles might render it possible for it to exist in an extensive territory. Whoever will be bold to say that a continent can be governed by that system contradicts all the experience of the world. It is a work too great for human wisdom. Let me call for an example. Experience has been called the best teacher. I call for an example of a great extent of country, governed by one government, or congress, call it what you will. I tell him that a government may be trimmed up according to gentlemen's fancy, but it never can operate; it will be but very short-lived. However disagreeable it may be to lengthen my objections, I cannot help taking notice of what the honorable gentleman said. To me it appears that there is no check in that government. The President, senators and representatives, all immediately, or mediately, are the choice of the people. Tell me not of checks on paper; but tell me of checks founded on self-love. The English government is founded on self-love. This powerful, irresistible stimulus of self-love has saved that government. It has interposed that hereditary nobility between the King and the Commons. If the House of Lords assists or permits the King to overturn the liberties of the people, the same tyranny will destroy them; they will therefore keep the balance in the democratic branch. Suppose they see the Commons encroach upon the King; self-love, that great, energetic check, will call upon them to interpose; for, if the King be destroyed their

destruction must speedily follow. Here is a consideration which prevails in my mind, to pronounce the British government superior, in this respect, to any government that ever was in any country. Compare this with your Congressional checks. I beseech gentlemen to consider whether they can say, when trusting power, that a mere patriotic profession will be equally operative and efficacious, as the check of self-love. In considering the experience of ages, is it not seen that fair, disinterested patriotism and professions of attachment to rectitude, have never been solely trusted to by an enlightened, free people? If you depend on your Presidents' and senators' patriotism, you are gone. Have you a resting place like the British government? Where is the rock of your salvation? The real rock of political salvation is self-love, perpetuated from age to age in every human breast, and manifested in every action. If they can stand the temptations of human nature, you are safe. If you have a good President, senators and representatives, there is no danger. But can this be expected from human nature? Without real checks, it will not suffice that some of them are good. A good President, or senator, or representative will have a natural weakness. Virtue will slumber: the wicked will be continually watching: consequently you will be undone. Where are your checks? You have no hereditary nobility—an order of men, to whom human eyes can be cast up for relief: for, says the constitution, there is no title of nobility to be granted; which, by the by, would not have been so dangerous, as the perilous cession of the powers contained in that paper: because, as Montesquieu says, when you give titles of nobility, you know what you give; but when you give power, you know not what you give. If you say, that out of this depraved mass, you can collect luminous characters, it will not avail, unless this luminous breed will be propagated from generation to generation; and even then, if the number of vicious characters will preponderate, you are undone. And that this will certainly be the case, is, to my mind, perfectly clear. In the British government, there are real balances and checks; in this system, there are only ideal balances. Till I am convinced that there are actual, efficient checks, I will not give my assent to its establishment. The President and senators have nothing to lose. They have

not that interest in the preservation of the government, that the King and lords have in England. They will therefore be regardless of the interests of the people. The constitution will be as safe with one body, as with two. It will answer every purpose of human legislation. How was the constitution of England when only the Commons had the power? I need only remark, that it was the most unfortunate era when the country returned to King, lords and Commons, without sufficient responsibility in the King. When the Commons of England, in the manly language which became freemen, said to their King, you are our servant, then the temple of liberty was complete. From that noble source have we derived our liberty: that spirit of patriotic attachment to one's country, that zeal for liberty, and that enmity to tyranny, which signalized the then champions of liberty, we inherit from our British ancestors. And I am free to own, that if you cannot love a republican government, you may love the British monarchy: for, although the King is not sufficiently responsible, the responsibility of his agents, and the efficient checks interposed by the British constitution, render it less dangerous than other monarchies, or oppressive tyrannical aristocracies. What are their checks of exposing accounts? Their checks upon paper are inefficient and nugatory. Can you search your President's closet? Is this a real check? We ought to be exceedingly cautious in giving up this life, this soul—our money—this power of taxation to Congress. What powerful check is there here to prevent the most extravagant and profligate squandering of the public money? What security have we in money matters? Inquiry is precluded by this constitution. I never wish to see Congress supplicate the States. But it is more abhorrent to my mind to give them an unlimited and unbounded command over our souls, our lives, our purses, without any check or restraint. How are you to keep inquiry alive? How discover their conduct? We are told by that paper, that a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. Here is a beautiful check! What time? Here is the utmost latitude left. If those who are in Congress please to put that construction upon it, the words of the constitution will be satisfied by publishing those accounts once in one hundred years. They may publish or not, as they

please. Is this like the present despised system, whereby the accounts are to be published monthly?

I come now to speak something of requisitions, which the honorable gentleman thought so truly contemptible and disgraceful. That honorable gentleman being a child of the Revolution, must recollect with gratitude the glorious effects of requisitions. It is an idea that must be grateful to every American. An English army was sent to compel us to pay money contrary to our consent. To force us by arbitrary and tyrannical coercion to satisfy their unbounded demands. We wished to pay with our own consent. Rather than pay against our consent, we engaged in that bloody contest which terminated so gloriously. By requisitions we pay with our own consent; by their means we have triumphed in the most arduous struggle that ever tried the virtue of man. We fought then, for what we are contending now—to prevent an arbitrary deprivation of our property, contrary to our consent and inclination. I shall be told in this place, that those who are to tax us are our representatives. To this I answer, that there is no real check to prevent their ruining us. There is no actual responsibility. The only semblance of a check is the negative power of not re-electing them. This, sir, is but a feeble barrier, when their personal interest, their ambition and avarice come to be put in contrast with the happiness of the people. All checks founded on anything but self-love, will not avail. This constitution reflects, in the most degrading and mortifying manner, on the virtue, integrity and wisdom of the State legislatures: it presupposes that the chosen few who go to Congress, will have more upright hearts, and more enlightened minds, than those who are members of the individual legislatures. To suppose that ten gentlemen shall have more real substantial merit than one hundred and seventy is humiliating to the last degree. If, sir, the diminution of numbers be an augmentation of merit, perfection must centre in one. If you have the faculty of discerning spirits, it is better to point out at once the man who has the most illumined qualities. If ten men be better than one hundred and seventy, it follows of necessity that one is better than ten—the choice is more refined.

Such is the danger of the abuse of implied power, that it would be safer at once to have seven representatives, the num-

ber to which we are now entitled, than depend on the uncertain and ambiguous language of that paper. The number may be lessened instead of being increased; and yet by argumentative, constructive, implied power, the proportion of taxes may continue the same or be increased. Nothing is more perilous than constructive power, which gentlemen are so willing to trust their happiness to.

If sheriffs prove now an over-match for our legislature; if their ingenuity has eluded the vigilance of our laws, how will the matter be amended when they come clothed with federal authority? A strenuous argument offered by gentlemen is, that the same sheriffs may collect for the Continental and State treasuries. I have before shown that this must have an inevitable tendency to give a decided preference to the federal treasury in the actual collections, and to throw all deficiencies on the State. This imaginary remedy for the evil of Congressional taxation will have another oppressive operation. The sheriff comes to-day as a State collector—next day he is federal—how are you to fix him? How will it be possible to discriminate oppressions committed in one capacity, from those perpetrated in the other? Will not his ingenuity perplex the simple, honest planter? This will at least involve in difficulties those who are unacquainted with legal ingenuity. When you fix him, where are you to punish him? For, I suppose, they will not stay in our courts: they must go to the federal court; for, if I understand that paper right, all controversies arising under that constitution, or under the laws made in pursuance thereof, are to be tried in that court. When gentlemen told us that this part deserved the least exception, I was in hopes they would prove that there was plausibility in their suggestions, and that oppression would probably not follow. Are we not told that it shall be treason to levy war against the United States? Suppose an insult offered to the federal laws at an immense distance from Philadelphia, will this be deemed treason? And shall a man be dragged many hundred miles to be tried as a criminal, for having, perhaps justifiably, resisted an unwarrantable attack upon his person or property? I am not well acquainted with federal jurisprudence; but it appears to me that these oppressions must result from this part of the plan. It is at least doubtful, and

where there is even a possibility of such evils, they ought to be guarded against.

There are to be a number of places fitted out for arsenals and dock-yards in the different States. Unless you sell to Congress such places as are proper for these, within your State, you will not be consistent after adoption; it results therefore clearly that you are to give into their hands, all such places as are fit for strongholds. When you have these fortifications and garrisons within your State, your legislature will have no power over them, though they see the most dangerous insults offered to the people daily. They are also to have magazines in each State; these depositaries for arms, though within the State, will be free from the control of its legislature. Are we at last brought to such a humiliating and debasing degradation that we cannot be trusted with arms for our own defence? There is a wide difference between having our arms in our own possession and under our own direction, and having them under the management of Congress. If our defence be the real object of having those arms, in whose hands can they be trusted with more propriety, or equal safety to us, than in our own? If our legislature be unworthy of legislating for every foot in this State, they are unworthy of saying another word.

The clause which says that Congress shall "provide for arming, organizing, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers," seemed to put the States in the power of Congress. I wished to be informed, if Congress neglected to discipline them, whether the States were not precluded from doing it. Not being favored with a particular answer, I am confirmed in my opinion, that the States have not the power of disciplining them, without recurring to the doctrine of constructive, implied powers. If by implication the States may discipline them, by implication also Congress may officer them; because, in a partition of power, each has a right to come in for part; and because implication is to operate in favor of Congress on all occasions, where their object is the extension of power, as well as in favor of the States. We have not one-fourth of the arms that would be sufficient to defend ourselves. The power of arming the militia, and the means of purchasing

arms, are taken from the States by the paramount powers of Congress. If Congress will not arm them, they will not be armed at all.

There have been no instances shown of a voluntary cession of power, sufficient to induce me to grant the most dangerous powers: a possibility of their future relinquishment will not persuade me to yield such powers.

Congress, by the power of taxation, by that of raising an army, and by their control over the militia, have the sword in one hand and the purse in the other. Shall we be safe without either? Congress have an unlimited power over both: they are entirely given up by us. Let him candidly tell me, where and when did freedom exist, when the sword and purse were given up by the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the sword and purse. Can you prove by any argumentative deduction, that it is possible to be safe without retaining one of these? If you give them up, you are gone. Give us at least a plausible apology why Congress should keep their proceedings in secret. They have the power of keeping them secret as as long as they please; for the provision for a periodical publication is too inexplicit and ambiguous to avail anything. The expression, from time to time, as I have more than once observed, admits of any extension. They may carry on the most wicked and pernicious of schemes under the dark veil of secrecy. The liberties of a people never were nor ever will be secure, when the transactions of their rulers may be concealed from them. The most iniquitous plots may be carried on against their liberty and happiness. I am not an advocate for divulging indiscriminately all the operations of government, though the practice of our ancestors in some degree justifies it. Such transactions as relate to military operations, or affairs of great consequence, the immediate promulgation of which might defeat the interests of the community, I would not wish to be published, till the end which required their secrecy should have been effected. But to cover, with the veil of secrecy, the common routine of business, is an abomination in the eyes of every intelligent man, and every friend to his country.

[Mr. Henry then, in a very animated manner, expatiated on the evil and pernicious tendency of keeping secret the common proceedings of

government, and said that it was contrary to the practice of other free nations. The people of England, he asserted, had gained immortal honor, by the manly boldness wherewith they divulged to all the world their political disquisitions and operations; and that such a conduct inspired other nations with respect. He illustrated his arguments by several quotations. He then continued:]

I appeal to this convention, if it would not be better for America to take off the veil of secrecy. Look at us—hear our transactions. If this had been the language of the federal convention, what would have been the result? Such a constitution would not have come out to your utter astonishment, conceding such dangerous powers, and recommending secrecy in the future transactions of government. I believe it would have given more general satisfaction, if the proceedings of that convention had not been concealed from the public eye. This constitution authorizes the same conduct. There is not an English feature in it. The transactions of Congress may be concealed a century from the public consistently with the constitution. This, sir, is a laudable imitation of the transactions of the Spanish treaty. We have not forgotten with what a thick veil of secrecy those transactions were covered.

We are told that this government, collectively taken, is without an example: that it is national in this part, and federal in that part, etc. We may be amused, if we please, by a treatise of political anatomy. In the brain it is national: the *stamina* are federal—some limbs are federal, others national. The senators are voted for by the State legislatures; so far it is federal. Individuals choose the members of the first branch; here it is national. It is federal in conferring general powers, but national in retaining them. It is not to be supported by the States—the pockets of individuals are to be searched for its maintenance. What signifies it to me, that you have the most curious anatomical description of it in its creation? To all the common purposes of legislation it is a great consolidation of government. You are not to have the right to legislate in any but trivial cases: you are not to touch private contracts: you are not to have the right of having arms in your own defence: you cannot be trusted with dealing out justice between man and man. What shall the States have to do?—Take care of the poor, repair and make highways, erect bridges, and so on and

so on. Abolish the State legislatures at once. What purposes should they be continued for? Our legislature will indeed be a ludicrous spectacle—one hundred and eighty men marching in solemn, farcical procession, exhibiting a mournful proof of the lost liberty of their country, without the power of restoring it. But, sir, we have the consolation that it is a mixed government; that is, it may work sorely on your neck, but you will have some comfort by saying that it was a federal government in its origin.

I beg gentlemen to consider; lay aside your prejudices—is this a federal government? Is it not a consolidated government for every purpose almost? Is the government of Virginia a State government after this government is adopted? I grant that it is a republican government; but for what purposes? For such trivial, domestic considerations, as render it unworthy the name of a legislature. I shall take leave of this political anatomy by observing, that it is the most extraordinary that ever entered into the imagination of man. If our political diseases demand a cure this is an unheard-of medicine. The honorable member, I am convinced, wanted a name for it. Were your health in danger, would you take new medicine? I need not make use of these exclamations; for every member in this committee must be alarmed at making new and unusual experiments in government. Let us have national credit and a national treasury in case of war. You never can want national resources in time of war, if the war be a national one, if it be necessary, and this necessity be obvious to the meanest capacity. The utmost exertions will be used by the people of America in that case. A republic has this advantage over a monarchy, that its wars are generally founded on more just grounds. A republic can never enter into a war, unless it be a national war, unless it be approved of, or desired by the whole community. Did ever a republic fail to use the utmost resources of the community when a war was necessary? I call for an example. I call also for an example, when a republic has been engaged in a war contrary to the wishes of its people. There are thousands of examples where the ambition of its prince has precipitated a nation into the most destructive war. No nation ever withheld power when its object was just and right. I will hazard an observation: I find fault with the paper before you because

the same power that declares war has the ability to carry it on. Is it so in England? The King declares war: the House of Commons gives the means of carrying it on. This is a strong check on the King. He will enter into no war that is unnecessary; for the Commons, having the power of withholding the means, will exercise that power, unless the object of the war be for the interest of the nation. How is it here? The Congress can both declare war and carry it on, and levy your money as long as you have a shilling to pay.

I shall now speak a little of the colonial confederacy which was proposed at Albany. Massachusetts did not give her consent to the project at Albany so as to consolidate with the other colonies. Had there been a consolidation at Albany, where would have been their charter? Would that confederacy have preserved their charter from Britain? The strength and energy of the then designed government would have crushed American opposition.

The American revolution took its origin from the comparative weakness of the British government, not being concentred into one point. A concentration of the strength and interest of the British government in one point, would have rendered opposition to its tyrannies fruitless. For want of that consolidation do we now enjoy liberty, and the privilege of debating at this moment. I am pleased with the colonial establishment. The example which the honorable member has produced to persuade us to depart from our present confederacy, rivets me to my former opinion, and convinces me that consolidation must end in the destruction of our liberties.

The honorable gentleman has told us of our ingratitude to France. She does not intend to take payment by force. Ingratitude shall not be laid to my charge. I wish to see the friendship between this country and that magnanimous ally perpetuated. Requisitions will enable us to pay the debts we owe to France and other countries. She does not desire us to go from our beloved republican government. The change is inconsistent with our engagements with those nations. It is cried out, that those in opposition wish disunion. This is not true. They are the most strenuous friends to it. This government will clearly operate disunion. If it be heard on the other side of the Atlantic, that you are going to disunite and dissolve

the confederacy, what says France? Will she be indifferent to an event that will so radically affect her treaties with us? Our treaty with her is founded on the confederation—we are bound to her as thirteen States confederated. What will become of the treaty? It is said that treaties will be on a better footing. How so? Will the President, Senate, and House of Representatives be parties to them? I cannot conceive how the treaties can be as binding, if the confederacy is dissolved, as they are now. Those nations will not continue their friendship then; they will become our enemies. I look on the treaties as the greatest pillars of safety. If the House of Bourbon keeps us, we are safe. Dissolve that confederacy—who has you?—The British. Federalism will not protect you from the British. Is a connection with that country more desirable? I was amazed when gentlemen forgot the friends of America. I hope that this dangerous change will not be effected. It is safe for the French and Spaniards, that we should continue to be thirteen States; but it is not so, that we should be consolidated into one government. They have settlements in America; will they like schemes of popular ambition? Will they not have some serious reflections? You may tell them you have not changed your situation; but they will not believe you. If there be a real check intended to be left on Congress, it must be left in the State governments. There will be some check, as long as the judges are incorrupt. As long as they are upright, you may preserve your liberty. But what will the judges determine when the State and federal authority come to be contrasted? Will your liberty then be secure, when the congressional laws are declared paramount to the laws of your State, and the judges are sworn to support them?

I am constrained to make a few remarks on the absurdity of adopting this system, and relying on the chance of getting it amended afterwards. When it is confessed to be replete with defects, is it not offering to insult your understandings, to attempt to reason you out of the propriety of rejecting it, till it be amended? Does it not insult your judgments to tell you—adopt first, and then amend? Is your rage for novelty so great, that you are first to sign and seal, and then to retract? Is it possible to conceive a greater solecism? I am at a loss what to say. You agree to bind yourselves hand and foot—for

the sake of what? Of being unbound. You go into a dungeon —for what? To get out. Is there no danger when you go in, that the bolts of federal authority shall shut you in? Human nature never will part from power. Look for an example of a voluntary relinquishment of power, from one end of the globe to another—you will find none. Nine-tenths of our fellow-men have been, and are now, depressed by the most intolerable slavery, in the different parts of the world; because the strong hand of power has bolted them in the dungeon of despotism. Review the present situation of the nations of Europe, which is pretended to be the freest quarter of the globe. Cast your eyes on the countries called free there. Look at the country from which we are descended, I beseech you; and although we are separated by everlasting, insuperable partitions, yet there are some virtuous people there who are friends to human nature and liberty. Look at Britain; see there the bolts and bars of power; see bribery and corruption defiling the fairest fabric that ever human nature reared. Can a gentleman, who is an Englishman, or who is acquainted with the English history, desire to prove these evils? See the efforts of a man descended from a friend of America; see the efforts of that man, assisted even by the King, to make reforms. But you find the faults too strong to be amended. Nothing but bloody war can alter them. See Ireland: that country groaning from century to century, without getting their government amended. Previous adoption was the fashion there. They sent for amendments from time to time, but never obtained them, though pressed by the severest oppression, till eighty thousand volunteers demanded them sword in hand—till the power of Britain was prostrate; when the American resistance was crowned with success. Shall we do so? If you judge by the experience of Ireland, you must obtain the amendments as early as possible. But, I ask you again, where is the example that a government was amended by those who instituted it? Where is the instance of the errors of a government rectified by those who adopted them?

I shall make a few observations to prove that the power over elections, which is given to Congress, is contrived by the federal government; that the people may be deprived of their proper influence in the government, by destroying the force and effect

of their suffrages. Congress is to have a discretionary control over the time, place and manner of elections. The representatives are to be elected consequently when and where they please. As to the time and place, gentlemen have attempted to obviate the objection, by saying that the time is to happen once in two years, and that the place is to be within a particular district, or in the respective counties. But how will they obviate the danger of referring the manner of election to Congress? Those illumined *genii* may see that this may not endanger the rights of the people; but to my unenlightened understanding, it appears plain and clear, that it will impair the popular weight of the government. Look at the Roman history. They had two ways of voting: the one by tribes, and the other by centuries. By the former, numbers prevailed: in the latter, riches preponderated. According to the mode prescribed, Congress may tell you, that they have a right to make the vote of one gentleman go as far as the votes of one hundred poor men. The power over the manner admits of the most dangerous latitude. They may modify it as they please. They may regulate the number of votes by the quantity of property, without involving any repugnancy to the constitution. I should not have thought of this trick or contrivance, had I not seen how the public liberty of Rome was trifled with by the mode of voting by centuries, whereby one rich man had as many votes as a multitude of poor men. The plebeians were trampled on till they resisted. The patricians trampled on the liberties of the plebeians, till the latter had spirit to assert their right to freedom and equality. The result of the American mode of election may be similar. Perhaps I shall be told, that I have gone through the regions of fancy; that I deal in noisy exclamations, and mighty professions of patriotism. Gentlemen may retain their opinions; but I look on that paper as the most fatal plan that could possibly be conceived to enslave a free people. If such be your rage for novelty, take it and welcome, but you never shall have my consent. My sentiments may appear extravagant, but I can tell you, that a number of my fellow-citizens have kindred sentiments; and I am anxious, if my country should come into the hands of tyranny, to exculpate myself from being in any degree the cause; and to exert my faculties to the utmost to extricate her. Whether I am gratified or not

in my beloved form of government, I consider that the more she is plunged into distress, the more it is my duty to relieve her. Whatever may be the result, I shall wait with patience till the day may come when an opportunity shall offer to exert myself in her cause.

But I should be led to take that man for a lunatic, who should tell me to run into the adoption of a government avowedly defective, in hopes of having it amended afterwards. Were I about to give away the meanest particle of my own property, I should act with more prudence and discretion. My anxiety and fears are great, lest America, by the adoption of this system, should be cast into a fathomless abyss.

THE BOSTON MASSACRE

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BY

JOHN HANCOCK

JOHN HANCOCK

1737—1793

John Hancock was born in Quincy, Mass., January 12, 1737. He was descended from an old colonial family, his grandfather being graduated from Harvard in 1689 and ordained to the ministry and called to Lexington in 1698. His father, likewise a Harvard graduate, was ordained to the ministry and called to Braintree, now Quincy, in November, 1726, where he remained until his death in 1744. His uncle Thomas took charge of his early education and sent him to Harvard, where he graduated at the age of seventeen. After the close of his collegiate career his uncle placed him in his counting-house, and in 1760 sent him on a tour to England, where Hancock witnessed the funeral of George II and the accession of George III. On the death of his uncle in 1764 he became possessed of one of the largest estates in Massachusetts. After serving in the capacity of selectman for the town of Boston for several years he was chosen to represent Boston in the provincial assembly, with such men as Otis, Cushing, and Samuel Adams for his colleagues.

Hancock's position as a public man, his great wealth and strong convictions on the rights of the colonies, made him naturally a leader in the movements which culminated in the American Revolution. When the Boston Massacre occurred, in March, 1770, Hancock was chosen one of the committee to wait on the Governor with a demand for the withdrawal of troops, and was largely instrumental in securing that concession. At the funeral of the victims Hancock delivered his famous address denouncing in unmeasured terms the conduct of the soldiery that led to the deplorable event. By his fearless reprobation of those in authority Hancock incurred the strong displeasure of the Governor.

It was the expedition sent out to capture Hancock and his colleague in the provincial Congress at Concord that led to the battle of Lexington. Both patriots, however, made their safe escape from their pursuers. Both were excluded from the general amnesty for political offences proclaimed by Governor Gage on June 12, 1775, the latter declaring that their offences were "of too flagitious a nature to admit of any other consideration than condign punishment." In October, 1774, Hancock was elected unanimously president of the Massachusetts provincial Congress and a delegate from his province to the Continental Congress from 1775 to 1780, and again in 1785, serving as president of that body from May, 1775, till October, 1777. Here Hancock was the first signer of the Declaration of Independence, and the fact that that instrument was published with only his official signature brought his name into still greater prominence. He was elected Governor of his State from 1780 to 1785, and again in 1787, being re-elected annually until his death.

John Hancock was one of the great and patriotic men of the American Revolution—a man of strong personality, decision of character, of polished manners, charitable and public-spirited, a model citizen of a commonwealth struggling into existence. He died at Quincy, Massachusetts, on October 8, 1793.

THE BOSTON MASSACRE

This oration was delivered at Boston, March 5, 1774

MEN, BRETHREN, FATHERS, AND FELLOW-COUNTRYMEN: The attentive gravity, the venerable appearance of this crowded audience; the dignity which I behold in the countenances of so many in this great assembly; the solemnity of the occasion upon which we have met together, joined to a consideration of the part I am to take in the important business of this day, fill me with an awe hitherto unknown, and heighten the sense which I have ever had of my unworthiness to fill this sacred desk. But, allured by the call of some of my respected fellow-citizens, with whose request it is always my greatest pleasure to comply, I almost forgot my want of ability to perform what they required. In this situation I find my only support in assuring myself that a generous people will not severely censure what they know was well intended, though its want of merit should prevent their being able to applaud it. And I pray that my sincere attachment to the interest of my country, and the hearty detestation of every design formed against her liberties, may be admitted as some apology for my appearance in this place.

I have always, from my earliest youth, rejoiced in the felicity of my fellow-men; and have ever considered it as the indispensable duty of every member of society to promote, as far as in him lies, the prosperity of every individual, but more especially of the community to which he belongs; and also, as a faithful subject of the State, to use his utmost endeavors to detect, and, having detected, strenuously to oppose every traitorous plot which its enemies may devise for its destruction. Security to the persons and properties of the governed is so obviously the design and end of civil government, that to attempt a logical proof of it would be like burning tapers at noonday to assist the

sun in enlightening the world; and it cannot be either virtuous or honorable to attempt to support a government of which this is not the great and principal basis; and it is to the last degree vicious and infamous to attempt to support a government which manifestly tends to render the persons and properties of the governed insecure. Some boast of being friends to government; I am a friend to righteous government, to a government founded upon the principles of reason and justice; but I glory in publicly avowing my eternal enmity to tyranny. Is the present system, which the British administration have adopted for the government of the colonies, a righteous government—or is it tyranny? Here suffer me to ask (and would to Heaven there could be an answer) what tenderness, what regard, respect or consideration has Great Britain shown, in their late transactions, for the security of the persons or properties of the inhabitants of the colonies? Or rather what have they omitted doing to destroy that security? They have declared that they have ever had, and of right ought ever to have, full power to make laws of sufficient validity to bind the colonies in all cases whatever. They have exercised this pretended right by imposing a tax upon us without our consent; and lest we should show some reluctance at parting with our property, her fleets and armies are sent to enforce their mad pretensions. The town of Boston, ever faithful to the British Crown, has been invested by a British fleet: the troops of George III have crossed the wide Atlantic, not to engage an enemy, but to assist a band of traitors in trampling on the rights and liberties of his most loyal subjects in America—those rights and liberties which, as a father, he ought ever to regard, and as a king, he is bound, in honor, to defend from violation, even at the risk of his own life.

Let not the history of the illustrious House of Brunswick inform posterity, that a king, descended from that glorious monarch, George II, once sent his British subjects to conquer and and enslave his subjects in America. But be perpetual infamy entailed upon that villain who dared to advise his master to such execrable measures; for it was easy to foresee the consequences which so naturally followed upon sending troops into America, to enforce obedience to acts of the British Parliament, which neither God nor man ever empowered them to make. It was reasonable to expect that troops, who knew the errand they

were sent upon, would treat the people whom they were to subjugate, with a cruelty and haughtiness which too often buries the honorable character of a soldier in the disgraceful name of an unfeeling ruffian. The troops, upon their first arrival, took possession of our Senate-house, and pointed their cannon against the judgment hall, and even continued them there whilst the Supreme Court of judicature for this province was actually sitting to decide upon the lives and fortunes of the King's subjects. Our streets nightly resounded with the noise of riot and debauchery; our peaceful citizens were hourly exposed to shameful insults, and often felt the effects of their violence and outrage. But this was not all: as though they thought it not enough to violate our civil rights, they endeavored to deprive us of the enjoyment of our religious privileges; to vitiate our morals, and thereby render us deserving of destruction. Hence the rude din of arms which broke in upon your solemn devotions in your temples, on that day hallowed by Heaven, and set apart by God himself for his peculiar worship. Hence, impious oaths and blasphemies so often tortured your unaccustomed ear. Hence, all the arts which idleness and luxury could invent, were used to betray our youth of one sex into extravagance and effeminacy, and of the other, to infamy and ruin; and did they not succeed but too well? Did not a reverence for religion sensibly decay? Did not our infants almost learn to lisp out curses before they knew their horrid import? Did not our youth forget they were Americans, and regardless of the admonitions of the wise and aged, servilely copy from their tyrants those vices which finally must overthrow the empire of Great Britain? And must I be compelled to acknowledge, that even the noblest, fairest part of all the lower creation, did not entirely escape the cursed snare? When virtue has once erected her throne within the female breast, it is upon so solid a basis that nothing is able to expel the heavenly inhabitant. But have there not been some, few, indeed, I hope, whose youth and inexperience have rendered them a prey to wretches, whom, upon the least reflection, they would have despised and hated as foes to God and their country? I fear there have been some such unhappy instances, or why have I seen an honest father clothed with shame; or why a virtuous mother drowned in tears?

But I forbear, and come reluctantly to the transactions of that dismal night, when in such quick succession we felt the extremes of grief, astonishment, and rage; when Heaven in anger, for a dreadful moment, suffered hell to take the reins; when Satan with his chosen band opened the sluices of New England's blood, and sacrilegiously polluted our land with the dead bodies of her guiltless sons! Let this sad tale of death never be told without a tear: let not the heaving bosom cease to burn with a manly indignation at the barbarous story, through the long tracts of future time: let every parent tell the shameful story to his listening children until tears of pity glisten in their eyes, and boiling passion shake their tender frames; and whilst the anniversary of that ill-fated night is kept a jubilee in the grim court of pandemonium, let all America join in one common prayer to Heaven, that the inhuman, unprovoked murders of March 5, 1770, planned by Hillsborough, and a knot of treacherous knaves in Boston, and executed by the cruel hand of Preston and his sanguinary coadjutors, may ever stand on history without a parallel. But what, my countrymen, withheld the ready arm of vengeance from executing instant justice on the vile assassins? Perhaps you feared promiscuous carnage might ensue, and that the innocent might share the fate of those who had performed the infernal deed. But were not all guilty? Were you not too tender of the lives of those who came to fix a yoke on your necks? But I must not too severely blame a fault, which great souls only can commit. May that magnificence of spirit which scorns the low pursuits of malice, may that generous compassion which often preserves from ruin even a guilty villain, forever actuate the noble bosoms of Americans! But let not the miscreant host vainly imagine that we feared their arms. No; them we despised; we dread nothing but slavery. Death is the creature of a poltroon's brains; 'tis immortality to sacrifice ourselves for the salvation of our country. We fear not death. That gloomy night, the pale-faced moon, and the affrighted stars that hurried through the sky, can witness that we fear not death. Our hearts which, at the recollection, glow with rage that four revolving years have scarcely taught us to restrain, can witness that we fear not death; and happy it is for those who dared to insult us, that their naked bones are not now piled up an everlasting monu-

ment of Massachusetts's bravery. But they retired, they fled, and in that flight they found their only safety. We then expected that the hand of public justice would soon inflict that punishment upon the murderers, which, by the laws of God and man, they had incurred. But let the unbiassed pen of a Robertson, or perhaps of some equally famed American, conduct this trial before the great tribunal of succeeding generations. And though the murderers may escape the just resentment of an enraged people; though drowsy justice, intoxicated by the poisonous draught prepared for her cup, still nods upon her rotten seat, yet be assured, such complicated crimes will meet their due reward. Tell me, ye bloody butchers! ye villains high and low! ye wretches who contrived, as well as you who executed the inhuman deed! do you not feel the goads and stings of conscious guilt pierce through your savage bosoms? Though some of you may think yourselves exalted to a height that bids defiance to human justice; and others shroud yourselves beneath the mask of hypocrisy, and build your hopes of safety on the low arts of cunning, chicanery and falsehood; yet do you not sometimes feel the gnawings of that worm which never dies? Do not the injured shades of Maverick, Gray, Caldwell, Attucks and Carr, attend you in your solitary walks; arrest you even in the midst of your debaucheries, and fill even your dreams with terror? But if the unappeased manes of the dead should not disturb their murderers, yet surely even your obdurate hearts must shrink, and your guilty blood must chill within your rigid veins, when you behold the miserable Monk, the wretched victim of your savage cruelty. Observe his tottering knees, which scarce sustain his wasted body; look on his haggard eyes; mark well the death-like paleness on his fallen cheek, and tell me, does not the sight plant daggers in your souls? Unhappy Monk! cut off, in the gay morn of manhood, from all the joys which sweeten life, doomed to drag on a pitiful existence, without even a hope to taste the pleasures of returning health! Yet Monk, thou livest not in vain; thou livest a warning to thy country, which sympathizes with thee in thy sufferings; thou livest an affecting, an alarming instance of the unbounded violence which lust of power, assisted by a standing army, can lead a traitor to commit.

For us he bled, and now languishes. The wounds, by which

he is tortured to a lingering death, were aimed at our country! Surely the meek-eyed Charity can never behold such sufferings with indifference. Nor can her lenient hand forbear to pour oil and wine into these wounds, and to assuage, at least, what it cannot heal.

Patriotism is ever united with humanity and compassion. This noble affection, which impels us to sacrifice everything dear, even life itself, to our country, involves in it a common sympathy and tenderness for every citizen, and must ever have a particular feeling for one who suffers in a public cause. Thoroughly persuaded of this, I need not add a word to engage your compassion and bounty towards a fellow-citizen, who, with long protracted anguish, falls a victim to the relentless rage of our common enemies.

Ye dark designing knaves, ye murderers, parricides! how dare you tread upon the earth, which has drunk in the blood of slaughtered innocents, shed by your wicked hands? How dare you breathe that air which wafted to the ear of Heaven the groans of those who fell a sacrifice to your accursed ambition? But if the laboring earth doth not expand her jaws; if the air you breathe is not commissioned to be the minister of death; yet, hear it and tremble! The eye of Heaven penetrates the darkest chambers of the soul, traces the leading clew through all the labyrinths which your industrious folly has devised; and you, however you may have screened yourselves from human eyes, must be arraigned, must lift your hands, red with the blood of those whose death you have procured, at the tremendous bar of God.

But I gladly quit the gloomy theme of death, and leave you to improve the thought of that important day, when our naked souls must stand before that Being from whom nothing can be hid. I would not dwell too long upon the horrid effects which have already followed from quartering regular troops in this town. Let our misfortunes teach posterity to guard against such evils for the future. Standing armies are sometimes (I would by no means say generally, much less universally) composed of persons who have rendered themselves unfit to live in civil society; who have no other motives of conduct than those which a desire of the present gratification of their passions suggests; who have no property in any country; men

who have given up their own liberties, and envy those who enjoy liberty; who are equally indifferent to the glory of a George or a Louis; who, for the addition of one penny a day to their wages, would desert from the Christian cross, and fight under the crescent of the Turkish sultan. From such men as these, what has not a State to fear? With such as these, usurping Cæsar passed the Rubicon; with such as these, he humbled mighty Rome, and forced the mistress of the world to own a master in a traitor. These are the men whom sceptred robbers now employ to frustrate the designs of God, and render vain the bounties which his gracious hand pours indiscriminately upon his creatures. By these, the miserable slaves in Turkey, Persia, and many other extensive countries are rendered truly wretched, though their air is salubrious, and their soil luxuriously fertile. By these France and Spain, though blessed by nature with all that administers to the convenience of life, have been reduced to that contemptible state in which they now appear; and by these, Britain—but if I was possessed of the gift of prophecy, I dare not, except by divine command, unfold the leaves on which the destiny of that once powerful kingdom is inscribed.

But since standing armies are so hurtful to a State, perhaps my countrymen may demand some substitute, some other means of rendering us secure against the incursions of a foreign enemy. But can you be one moment at a loss? Will not a well-disciplined militia afford you ample security against foreign foes? We want not courage; it is discipline alone in which we are exceeded by the most formidable troops that ever trod the earth. Surely our hearts flutter no more at the sound of war, than did those of the immortal band of Persia, the Macedonian phalanx, the invincible Roman legions, the Turkish janizaries, the *gens d'armes* of France, or the well-known grenadiers of Britain. A well-disciplined militia is a safe, an honorable guard to a community like this, whose inhabitants are by nature brave, and are laudably tenacious of that freedom in which they were born. From a well-regulated militia, we have nothing to fear; their interest is the same with that of the State. When a country is invaded, the militia are ready to appear in its defence; they march into the field with that fortitude which a consciousness of the justice of their cause inspires; they do not jeopard their

lives for a master who considers them only as the instruments of his ambition, and whom they regard only as the daily dispenser of the scanty pittance of bread and water. No, they fight for their houses, their lands, for their wives, their children; for all who claim the tenderest names, and are held dearest in their hearts; they fight *pro aris et focis*, for their liberty, and for themselves, and for their God. And let it not offend, if I say, that no militia ever appeared in more flourishing condition, than that of this province now doth; and pardon me if I say, of this town in particular. I mean not to boast; I would not excite envy, but manly emulation. We have all one common cause; let it, therefore, be our only contest, who shall most contribute to the security of the liberties of America. And may the same kind Providence which has watched over this country from her infant state, still enable us to defeat our enemies. I cannot here forbear noticing the signal manner in which the designs of those who wish not well to us, have been discovered. The dark deeds of a treacherous cabal have been brought to public view. You now know the serpents who, whilst cherished in your bosoms, were darting their envenomed stings into the vitals of the constitution. But the representatives of the people have fixed a mark on these ungrateful monsters, which, though it may not make them so secure as Cain of old, yet renders them at least as infamous. Indeed, it would be affrontive to the tutelar deity of this country, even to despair of saving it from all the snares which human policy can lay.

True it is, that the British ministry have annexed a salary to the office of the governor of this province, to be paid out of a revenue, raised in America, without our consent. They have attempted to render our courts of justice the instruments of extending the authority of acts of the British Parliament over this colony, by making the judges dependent on the British administration for their support. But this people will never be enslaved with their eyes open. The moment they knew that the governor was not such a governor as the charter of the province points out, he lost his power of hurting them. They were alarmed; they suspected him—have guarded against him, and he has found that a wise and a brave people, when they know their danger, are fruitful in expedients to escape it.

The courts of judicature, also, so far lost their dignity, by

being supposed to be under an undue influence, that our representatives thought it absolutely necessary to resolve that they were bound to declare, that they would not receive any other salary besides that which the general court should grant them; and if they did not make this declaration, that it would be the duty of the House to impeach them.

Great expectations were also formed from the artful scheme of allowing the East India Company to export tea to America, upon their own account. This certainly, had it succeeded, would have effected the purpose of the contrivers, and gratified the most sanguine wishes of our adversaries. We soon should have found our trade in the hands of foreigners, and taxes imposed on everything which we consumed; nor would it have been strange, if, in a few years, a company in London should have purchased an exclusive right of trading to America. But their plot was soon discovered. The people soon were aware of the poison which, with so much craft and subtilty, had been concealed. Loss and disgrace ensued: and, perhaps this long concerted masterpiece of policy, may issue in the total disuse of tea in this country, which will eventually be the saving of the lives and the estates of thousands. Yet while we rejoice that the adversary has not hitherto prevailed against us, let us by no means put off the harness. Restless malice and disappointed ambition will still suggest new measures to our inveterate enemies. Therefore, let us also be ready to take the field whenever danger calls; let us be united and strengthen the hands of each other by promoting a general union among us. Much has been done by the committees of correspondence, for this and the other towns of this province, towards uniting the inhabitants; let them still go on and prosper. Much has been done by the committees of correspondence for the Houses of Assembly, in this and our sister colonies, for uniting the inhabitants of the whole continent, for the security of their common interest. May success ever attend their generous endeavors. But permit me here to suggest a general congress of deputies, from the several Houses of Assembly on the continent, as the most effectual method of establishing such an union as the present posture of our affairs requires. At such a congress, a firm foundation may be laid for the security of our rights and liberties; a system may be formed for our common safety, by a strict ad-

herence to which, we shall be able to frustrate any attempts to overthrow our constitution; restore peace and harmony to America, and secure honor and wealth to Great Britain, even against the inclinations of her ministers, whose duty it is to study her welfare; and we shall also free ourselves from those unmannerly pillagers who impudently tell us that they are licensed by an act of the British Parliament, to thrust their dirty hands into the pockets of every American. But I trust the happy time will come, when, with the besom of destruction, those noxious vermin will be swept forever from the streets of Boston.

Surely you never will tamely suffer this country to be a den of thieves. Remember, my friends, from whom you sprang. Let not a meanness of spirit, unknown to those whom you boast of as your fathers, excite a thought to the dishonor of your mothers. I conjure you, by all that is dear, by all that is honorable, by all that is sacred, not only that ye pray, but that ye act; that, if necessary, ye fight, and even die, for the prosperity of our Jerusalem. Break in sunder, with noble disdain, the bonds with which the Philistines have bound you. Suffer not yourselves to be betrayed by the soft arts of luxury and effiminacy, into the pit digged for your destruction. Despise the glare of wealth. That people who pay greater respect to a wealthy villain than to an honest, upright man in poverty, almost deserve to be enslaved; they plainly show that wealth, however it may be acquired, is, in their esteem, to be preferred to virtue.

But I thank God, that America abounds in men who are superior to all temptation, whom nothing can divert from a steady pursuit of the interest of their country; who are at once its ornament and safeguard. And sure I am, I should not incur your displeasure, if I paid a respect, so justly due to their much honored characters, in this place. But when I name an Adams, such a numerous host of fellow-patriots rush upon my mind, that I fear it would take up too much of your time, should I attempt to call over the illustrious roll. But your grateful hearts will point you to the men; and their revered names, in all succeeding times, shall grace the annals of America. From them let us, my friends, take example; from them let us catch the divine enthusiasm; and feel, each for himself, the godlike pleasure of diffusing happiness on all around us; of delivering the

oppressed from the iron grasp of tyranny; of changing the hoarse complaints and bitter moans of wretched slaves into those cheerful songs which freedom and contentment must inspire. There is a heartfelt satisfaction in reflecting on our exertions for the public weal, which all the sufferings an enraged tyrant can inflict, will never take away; which the ingratitude and reproaches of those whom we have saved from ruin, cannot rob us of. The virtuous asserter of the rights of mankind merits a reward, which even a want of success in his endeavors to save his country, the heaviest misfortune which can befall a genuine patriot, cannot entirely prevent him from receiving.

I have the most animating confidence that the present noble struggle for liberty will terminate gloriously for America. And let us play the man for our God, and for the cities of our God; while we are using the means in our power, let us humbly commit our righteous cause to the great Lord of the universe, who loveth righteousness and hateth iniquity. And having secured the approbation of our hearts, by a faithful and unwearied discharge of our duty to our country, let us joyfully leave our concerns in the hands of Him who raiseth up and pulleth down the empires and kingdoms of the world as he pleases; and with cheerful submission to his sovereign will, devoutly say, "Although the fig-tree shall not blossom, neither shall fruit be in the vines; the labor of the olive shall fail, and the field shall yield no meat; the flock shall be cut off from the fold, and there shall be no herd in the stalls; yet we will rejoice in the Lord, we will joy in the God of our salvation."

INAUGURAL ADDRESS

BY

THOMAS JEFFERSON

THOMAS JEFFERSON

1743—1826

This great man, whose name is heard more often in our political discussions than any other except Washington, and who had much more to do than Washington with establishing the political principles which govern our country, was more eminent in almost any other function of public life than as an orator. Not that he was incapable of making an effective speech; but his abilities in other directions were so much more important and pronounced, that he is seldom thought of as a speaker. As a political writer, on the other hand, he was without a rival, and perhaps has remained without one to this day. It was he who drafted the Declaration of Independence, than which no public document more eloquent is to be found in our archives, and everything that came from his pen, in the way of presidential messages, and other state papers or his vast private correspondence, shows the mind of a master expressing itself with constant force and point, and with a grace of movement that partly veils the underlying power.

But though Jefferson wrote eloquence, he was seldom heard to utter it in public, and he doubtless believed, not without reason, that his forte did not lie in that direction. The fact that he introduced the practice of sending messages to Congress, instead of delivering them to the two Houses in person, as had before been the custom, shows that he at least had none of the orator's ambition; he could not send forth his voice with effect; and it was impossible for his rigid simplicity to assume an effective pose, or to cultivate the graces of oratorical gesture. He doubtless recognized, also, that there were good speakers enough in the American nation already; and had no wish to add a mediocre one to the number, especially in view of the exalted station which he occupied during the greater part of his life in the public regard. *Noblesse oblige;* and if Jefferson were to speak at all, he ought to do so in a manner that would satisfy public expectation.

But his first inaugural is so remarkable a production that, couched as it is in the form of a personal address, it should not be omitted from the number of great speeches. It contains an exposition of the principles of democracy which has never yet been superseded, and from present appearances is not likely to be. Every sentence carries weight; and when the whole scope of the composition has taken its place in the mind, the reader feels that his understanding of practical politics has been vitally augmented.

Jefferson was born in Virginia in 1743; was elected a Burgess 1769, was delegate to the Continental Congress 1775, and wrote the Declaration of Independence the next year. In 1779 he was Governor of Virginia; and he filled successively the offices of Minister to France, Secretary of State, Vice-President, and President. His second and final presidential term ended in 1809, when he retired permanently to private life, and died on July 4, 1826.

INAUGURAL ADDRESS

Delivered March 4, 1801, on assuming the Presidency of the United States

FRIENDS AND FELLOW-CITIZENS: Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness, that the task is above my talents, and that I approach it with those anxious and awful presentiments, which the greatness of the charge, and the weakness of my powers, so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many, whom I see here, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to

think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression. Let us then, fellow-citizens, unite with one heart and one mind, let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect, that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotic, as wicked, and as capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that ... should be more felt and feared by some, and less by others, and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists. If there be any among us who wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear, that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said

that man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or, have we found angels in the form of kings, to govern him? Let history answer this question.

Let us then, with courage and confidence, pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradation of the others, possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them, enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens, a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, upon the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently, those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-repub-

lican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of the public reason; freedom of religion, freedom of the press, and freedom of person, under the protection of the *habeas corpus*, and trial by juries impartially selected. These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages, and blood of our heroes, have been devoted to their attainment; they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man, to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment.

When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage, is a great consolation to me for the past; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others, by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying then on the patronage of your good-will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

ADDRESS TO THE PEOPLE OF GREAT BRITAIN

BY

JOHN JAY

JOHN JAY

1745—1829

John Jay was born in New York City December 12, 1745. He was a son of Peter Jay, a West Indian merchant, of Huguenot and Dutch ancestry. He received his early education at a boarding-school in New Rochelle. There he acquired a proficiency in the French language which proved of great advantage to him in his later career. He was graduated from King's, now Columbia, College in 1764, entered the law offices of Benjamin Kissam soon afterwards, and was admitted to the bar four years later. Being in complete sympathy with the colonial aspirations, after the measures Great Britain imposed upon her American colonies in 1773, Jay was sent as a delegate to the Congress that convened at Philadelphia in 1774, where he wrote one of the three addresses voted by that body. In November of the following year he was elected to the second Congress, and in January, 1776, he was called to New York to become a delegate to the provincial Congress of his own State. During the following years Jay's work and influence, both in a public and a confidential character, proved of the greatest benefit to his country. He of all the great men connected with the momentous events of the time possessed in a large degree not only powers of organization, but the fine tact and diplomacy which proved eventually a qualification most requisite to gather the fruits of the labors in connection with attaining American independence.

Among the eminent services rendered to his own State was his plan for a State constitution, which was presented in March, 1777, and was adopted with but few modifications. He was appointed Chief Justice of his State in September, 1777, and being a member of the Council of Safety, his position was one of almost absolute power. Jay's diplomatic career begins with his appointment as Minister to the Court of Spain in 1779, an office that brought him at the time little honor and much financial embarrassment. In 1782 he was summoned to Paris to co-operate with Franklin and John Adams in the peace negotiations between America and England. The credit of negotiating a treaty so favorable to this country belongs no doubt to Jay and Adams rather than to Franklin, and the diplomatic sagacity of the descendant of the Huguenots reaped the most signal triumphs. On his return to America he was made Secretary for Foreign Affairs, and on the organization of the Federal government Washington appointed him Chief Justice of the Supreme Court. In 1794 Jay was sent on a special mission to England to bring about an adjustment of the boundary between the United States and the British possessions in North America, and also to conclude a commercial treaty. The result of his negotiations was the "Jay Treaty," which was ratified by the United States Senate August 18, 1795. This treaty was the most important and comprehensive compact ever entered into by Great Britain and the United States. It provided for the surrender to the United States of the military posts in the Northwest; for the settlement of the boundary; for the payment of British and American claims, and for neutrality at sea.

On his return Jay was twice elected Governor of New York, and in 1801, declining both renomination for Governor and reappointment to the Bench, he withdrew from public life to spend the closing years of his public career at his country seat at Bedford, in Westchester County. He died there on May 17, 1829.

ADDRESS TO THE PEOPLE OF GREAT BRITAIN*

FRIENDS AND FELLOW-SUBJECTS: When a nation led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children, and instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence and transmitted the rights of men and the blessings of liberty to you, their posterity.

Be not surprised, therefore, that we who are descended from the same common ancestors, that we whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government, and the most solemn compacts with British sovereigns, should refuse to surrender them to men who found their claims on no principles of reason, and who prosecute them with a design that, by having our lives and property in their power, they may, with the greatest facility, enslave you.

The cause of America is now the object of universal attention; it has at length become very serious. This unhappy coun-

* Congress, on October 11, 1774, appointed Mr. Lee, Mr. Livingston and Mr. Jay a committee to prepare a memorial to the people of British America, and an address to the people of Great Britain. It was agreed in the committee that Mr. Lee should prepare the former, and that Mr. Jay should prepare the latter. On the eighteenth, Mr. Jay delivered the address, which was approved by Congress.

try has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British Empire, leads us to address you on this very important subject.

Know, then, that we consider ourselves, and do insist, that we are and ought to be as free as our fellow-subjects in Britain, and that no power on earth has a right to take our property from us without our consent.

That we claim all the benefits secured to the subject by the English constitution, and particularly that inestimable one of trial by jury.

That we hold it essential to English liberty that no man be condemned unheard, or punished for supposed offences, without having an opportunity of making his defence.

That we think the legislature of Great Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets; or to erect an arbitrary form of government in any quarter of the globe. These rights we, as well as you, deem sacred; and yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

Are not the proprietors of the soil of Great Britain lords of their own property? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man or number of men whatever? You know they will not.

Why, then, are the proprietors of the soil of America less lords of their property than you are of yours? or why should they submit it to the disposal of your Parliament, or any other parliament or council in the world, not of their election? Can the intervention of the sea that divides us cause disparity in rights, or can any reason be given why English subjects who live three thousand miles from the royal palace should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the Parliament assert that they have a right to bind us, in all cases, without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess, and

can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politics, and which can no more operate to deprive us of our property than the interdicts of the Pope can divest kings of sceptres which the laws of the land and the voice of the people have placed in their hands.

At the conclusion of the late war—a war rendered glorious by the abilities and integrity of a minister to whose efforts the British Empire owes its safety and its fame; at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister of principles, and of a family, unfriendly to the Protestant cause, and inimical to liberty—we say at this period, and under the influence of that man, a plan for enslaving your fellow-subjects in America was concerted, and has ever since been pertinaciously carrying into execution.

Prior to this era you were content with drawing from us the wealth produced by our commerce: you restrained your trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade; and though some of these restrictions were grievous, we nevertheless did not complain. We looked up to you as to our parent state, to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur.

We call upon you, yourselves, to witness our loyalty and attachment to the common interest of the whole empire. Did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy? Did we not leave our native shores and meet disease and death to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money, which you confessed we had advanced beyond our proportion, and far beyond our abilities? You did.

To what causes, then, are we to attribute the sudden change of treatment, and that system of slavery, which was prepared for us at the restoration of peace?

Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money, by the oppressive stamp act. Paint, glass, and other

commodities, which you would not permit us to purchase of other nations, were taxed; nay, although no wine is made in any country subject to the British state, you prohibited our procuring it of foreigners without paying a tax, imposed by your Parliament, on all we imported. These, and many other impositions, were laid upon us, most unjustly and unconstitutionally, for the express purpose of raising a revenue. In order to silence complaint, it was indeed provided that this revenue should be expended in America for its protection and defence. These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on court favorites and ministerial dependents, generally avowed enemies to America, and employing themselves by partial representations to traduce and embroil the colonies. For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power, has been violently thrown down in America, and the inestimable right of trial by jury taken away, in cases that touch both life and property. It was ordained that whenever offences should be committed in the colonies against particular acts, imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of admiralty, by which means the subject lost the advantage of being tried by an honest, uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the Crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation, and obliges the defendant either to evince his innocence or to suffer. To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided, that the judge's certificate of there having been probable causes of seizure and prosecution, shall protect the prosecutor from actions at common law for recovery of damages.

By the course of our law, offences committed in such of the

British dominions in which courts are established, and justice duly and regularly administered, shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility to be given to their testimony can be ascertained.

In all these colonies justice is regularly and impartially administered; and yet, by the construction of some, and the direction of other acts of Parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in a distant land, by a jury of strangers, and subject to all the disadvantages that result from the want of friends, want of witnesses, and want of money.

When the design of raising a revenue from the duties imposed on the importation of tea into America had in great measure been rendered abortive by our ceasing to import that commodity, a scheme was concerted by the ministry with the East India Company, and an act passed, enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be established among us, various methods were adopted to elude the stroke. The people of Boston, then ruled by a governor whom, as well as his predecessor, Sir Francis Bernard, all America considers as her enemy, were exceedingly embarrassed. The ships which had arrived with the tea were, by his management, prevented from returning. The duties would have been paid; the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers. While the town was suspended by deliberations on this important subject the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of law were open, and judges, appointed by the Crown, presided in them. The East India Company, however, did not think proper to commence any suits, nor did they even demand satisfaction, either from individuals or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex parte* evidence, were laid

before them. Neither the persons who destroyed the tea, nor the people of Boston, were called upon to answer the complaint. The ministry, incensed by being disappointed in a favorite scheme, were determined to recur from the little arts of *finesse* to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke and consent to become slaves, by confessing the omnipotence of Parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

Let justice and humanity cease to be the boast of your nation! Consult your history; examine your records of former transactions; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial; and that, too, by laws made expressly for the purpose, and which had no existence at the time of the fact committed. If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty to bring poverty, distress, and calamity on thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow-subjects.

It would be some consolation to us if the catalogue of American oppressions ended here. It gives us pain to be reduced to the necessity of reminding you, that under the confidence reposed in the faith of government, pledged in a royal charter from a British sovereign, the forefathers of the present inhabitants of the Massachusetts Bay left their former habitations, and established that great, flourishing, and loyal colony. Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law and without justice, by an act of Parliament their charter is destroyed, their liberties violated, their constitution and form of government changed; and all this upon no better pretence

than because in one of their towns a trespass was committed on some merchandise, said to belong to one of the companies, and because the ministry were of opinion that such high political regulations were necessary to compel due subordination and obedience to their mandates.

Nor are these the only capital grievances under which we labor. We might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects; of needy and ignorant dependents on great men advanced to the seats of justice, and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils, the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now mark the progression of the ministerial plan for enslaving us.

Well aware that such hardy attempts to take our property from us; to deprive us of that valuable right of trial by jury; to seize our persons, and carry us for trial to Great Britain; to blockade our ports; to destroy our charters and change our forms of government; would occasion, and had already occasioned, great discontent in the colonies, which might produce opposition to these measures, an act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavoring to carry their oppressive edicts into execution; and by another act, the Dominion of Canada is to be so extended, modelled, and governed, as that, by being disunited from us, detached from our interests, by civil as well as religious prejudices; that by their numbers daily swelling with Catholic emigrants from Europe, and by their devotion to an administration so friendly to their religion, they might become formidable to us, and on occasion be fit instruments, in the hands of power, to reduce the ancient free Protestant colonies to the same state of slavery with themselves.

This was evidently the object of the act; and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it, as hostile to British America. Superadded to these considerations, we cannot help deploring the unhappy condition to which it has reduced the many English settlers who, encouraged by the royal proclamation, promising

the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned, cannot claim the benefit of the *habeas corpus* act—that great bulwark and palladium of English liberty. Nor can we suppress our astonishment that a British Parliament should ever consent to establish in that country a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world.

This being a true state of facts, let us beseech you to consider to what end they may lead.

Admit that the ministry, by the powers of Britain and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery: such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with pensioners and placemen. We presume, also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or laurels will you reap from such a conquest?

May not a ministry, with the same armies enslave you? It may be said, you will cease to pay them—but remember the taxes from America, the wealth, and we may add the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical. Know that in less than half a century, the quit-rents reserved to the Crown, from the numberless grants of this vast continent, will pour large streams of wealth into the royal coffers, and if to this be added the power of taxing America at pleasure, the Crown will be rendered independent of you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in your island. In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much

public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you, to be our greatest glory, and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies, and your interest as our own.

But, if you are determined that your ministers shall wantonly sport with the rights of mankind—if neither the voice of justice, the dictates of the law, the principles of the constitution, nor the suggestions of humanity, can restrain your hands from shedding human blood, in such an impious cause, we must then tell you, that we will never submit to be hewers of wood or drawers of water, for any ministry, or nation in the world.

Place us in the same situation that we were in, at the close of the last war, and our former harmony will be restored.

But lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of Boston, the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which will afford us all the necessaries, and some of the conveniences of life. We have suspended our importation from Great Britain and Ireland; and, in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms, and the West Indies.

It is with the utmost regret, however, that we find ourselves compelled, by the overruling principles of self-preservation, to adopt measures detrimental in their consequences, to numbers of our fellow-subjects in Great Britain and Ireland. But, we hope, that the magnanimity and justice of the British nation will furnish a Parliament of such wisdom, independence, and public spirit, as may save the violated rights of the whole em-

pire, from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship, and fraternal affection between all the inhabitants of His Majesty's kingdoms and territories, so ardently wished for by every true and honest American.

THE BRITISH TREATY

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BY

JAMES MADISON

JAMES MADISON

1751—1836

James Madison was born in Port Conway, Virginia, March 16, 1751. Though not a soldier, he holds one of the foremost places among the eminent men who were instrumental in bringing about the political independence of the United States and in organizing a working government for the new republic. He was graduated from Princeton College in 1771. After his graduation, he returned to his home, devoting himself to the study of law.

The beginning of Madison's public career dates from his election as a delegate to the Virginia State convention which met at Williamsburg in 1776 and instructed its delegates to the Continental Congress to record their votes in favor of declaring immediate independence. In its deliberations on framing a constitution for the State he was the most prominent champion of free religious worship. In 1780 he was sent as a delegate to Congress. It was the gloomiest period of the great struggle for independence. He did all in his power to relieve the prevailing financial distress and to ameliorate the condition of the army. It was through his efforts, ably seconded by Jay, that the plan of a Spanish alliance was abandoned and America's right to the navigation of the Mississippi was safeguarded. To provide means to defray the expenditures of the government, Madison in 1783 proposed an impost duty to be levied by the general government, a measure which proved unpopular with the majority of the States. The principal efforts of his life were thenceforth directed to create a strong central government. In the convention of 1787 in Philadelphia the labors of no one contributed in a greater degree to attain that end than those of Madison. No one had a greater and more honorable share in the task of harmonizing the many conflicting interests, claims, and prejudices of the various States composing the new Union. The "Virginia plan" presented by Edmund Randolph, which struck at the root of the evil and had originated with Madison, finally prevailed.

During Jefferson's term of administration he became Secretary of State and conducted with much skill the negotiations to adjust our differences with France, Spain, and England. At the expiration of Jefferson's second term he was elected to the highest office in the gift of the American people. One of his first acts was the promulgation of the non-intercouse act directed against France and England. The war with England soon broke out, and it was the all-overshadowing event of his administration. At the close of his second term, in 1817, Madison retired from public life and withdrew to his estate at Montpelier, where he died June 28, 1836, in his eighty-fifth year.

THE BRITISH TREATY

Delivered in the House of Representatives, April 15, 1796

MR. CHAIRMAN: The subject now under the consideration of the committee is of such vast extent, of such vital importance to this country, and involves so many topics which demand minute investigation, that I wish, at setting out, to be understood as not pretending to go through all the observations that may be applicable to its circumstances, but as endeavoring to present it in a mere general view, persuaded that the omissions I shall make will be amply supplied by other gentlemen who are to follow me in the discussion.

The proposition, sir, immediately before the committee, amounts to this; that the treaty lately made with Great Britain ought to be directly carried into effect, by all such means and provisions as are peculiarly within the province and the competency of the House of Representatives to supply. This, sir, is the substance of the point immediately in question; but it will, in examining it, be proper to keep constantly in view another proposition which was made yesterday, by the gentleman from Pennsylvania, and referred to the committee, and which will be taken up of course, if the immediate question shall be decided in the negative.

Sir, if the proposition for carrying the treaty into effect be agreed to by the House, it must necessarily be upon some one or other of the three following considerations: That the legislature is bound by a constitutional necessity to pass the requisite laws, without examining the treaty or considering its merits —or that, on due examination, the treaty is deemed to be in itself a good one—or that, apart from these considerations, there shall appear extraneous reasons of sufficient weight to induce the House to carry the treaty into effect, even though it be in itself a bad treaty. The first of these considerations, however,

is now completely excluded by the late decision of the House, that they have a right to judge of the expediency or inexpediency of passing laws relative to treaties; the question then first to be examined by the committee, is that which relates to the merits of the present treaty. I will now, therefore, proceed to discuss those merits, and to present them to the committee under three different aspects. The first, as it relates to the execution of the treaty of peace, made in the year 1783. The second, as it bears upon and determines the several points in the law of nations connected with it. And the third, as it infringes upon and may be supposed to affect the commercial intercourse of the two nations.

Sir, in animadverting upon the first of these, I will not take upon me the invidious office of inquiring which party it is to whom the censure may justly be ascribed of having more than the other contributed to the delay of its execution, though I am far from entertaining any desire to shrink from the task, under an apprehension that the result might be disadvantageous to this country. The present treaty has itself, in express terms, waived this inquiry, and professes that its purpose is to adjust all controversies on the subjects of which it is conversant, without regard to the mutual complaints or pretensions of the parties. Naturally, therefore, and most justly was it to be expected, that the arrangements for carrying that treaty into effect, would have been founded on the most exact, scrupulous, and equitable reciprocity. But has this been the case, sir? I venture to say that it has not, and it grieves me to add, what nevertheless truth and justice compel me to declare, that, on the contrary, the arrangements were founded on the grossest violation of this principle. This, sir, is undoubtedly strong language, and as such I should be one of the last men living to give it utterance, if I were not supported in it by facts no less strong and unequivocal. There are two articles in the old treaty, for the execution of which no provision whatsoever is made in the new one. The first is that which relates to the restitution of, or compensation for, the negroes and other property carried away by the British. The second, that which provides for the surrender to the United States of the posts, so long withheld by them, on our territory. The article that remains unexecuted on the part of the United States, is that which stipulates for the

payment of all *bona fide* debts owing to British creditors; and the present treaty guarantees the carrying of this article into the most complete effect by the United States, together with all damages sustained by the delay, even to the most rigid extent of exaction, while it contains no stipulation whatever, on the part of Great Britain, for the faithful performance of the articles left unexecuted by her. Look to the treaty, sir, and you will find nothing like it, nothing allusive to it. No, on the contrary, she is entirely and formally absolved from her obligation to fulfil that article which relates to the negroes, and is discharged from making any compensation whatsoever for her having delayed to fulfil that which provides for the surrender of the posts.

I am aware, sir, of its being urged in apology, or by way of extenuation for these very unequal stipulations, that the injury which may possibly be sustained by us, in consequence of the detention of the posts by the British government, is not susceptible of an accurate valuation; that between such an injury and money there is no common measure, and that therefore the wrong is incapable of liquidation, and affords no fair basis for a calculation of pecuniary damages. This apology, sir, may appear plausible, but it is by no means satisfactory. Commissioners might easily have been appointed (as they are vested, too, with full discretion for other purposes) to take charge of this subject, with instructions to do what they could, if unable to do what they ought, and if incapable of effecting positive justice, at least to mitigate the injustice of doing nothing.

For the very extraordinary abandonment of the compensation due for the negroes and other property carried off by the British, apologies have also been lamely attempted; and these apologies demand consideration. It is said to be at least doubtful whether this claim is authorized by the seventh article of the treaty of peace, and that Great Britain has uniformly denied the meaning put by the United States on that article. In reply to these assertions, it is sufficient for me to remark, that so far from its being true that Great Britain has uniformly denied the American construction of this article, it is susceptible of positive proof, that till very lately, Great Britain has uniformly admitted our construction of it, and that she has rejected the claim on no other ground than the alleged violation

of the fourth article on the part of the United States. But on the supposition that it had been true, that Great Britain had uniformly asserted a different construction of the article, and refused to accede to ours, I beg leave to ask the House what ought to have been done? Ought we to have acceded at once to her construction? You will anticipate me, sir, in saying, assuredly not. Each party had an equal right to interpret the compact; and if they could not agree, they ought to have done in this what they did in other cases where they could not agree; that is, have referred the settlement of the meaning of the compact to arbitration: but, for us to give up the claim altogether because the other party to the compact thought proper to disallow our construction of it, was in effect to admit nothing less than that Great Britain had a better right than the United States to explain the point in controversy, or that the United States had done something which in justice called for a sacrifice of one of their essential rights.

From this view of the subject, sir, I consider it to be evident, that the arrangements in this treaty which relate to the treaty of peace of 1783, are in several instances deficient both in justice and reciprocity. And here a circumstance occurs, that in my opinion deserves the very particular attention of the committee. From the face of the treaty generally, and particularly from the order of the articles, it would seem that the compensation for the spoliations on our trade have been combined with the execution of the treaty of peace, and may therefore have been viewed as a substitute for the equivalent stipulated for the negroes. If this be really the meaning of the instrument, it cannot be the less obnoxious to reasonable and fair judges. No man can be more firmly convinced than I myself am, of the perfect justice on which the claims of the merchants on Great Britain are founded, nor can anyone be more desirous to see them fully indemnified. But surely, sir, it will not be asserted that compensation to them is a just substitute for the compensation due to others. It is impossible that any claims can be better founded than those of the sufferers under the seventh article of the treaty of peace; because they are supported by positive and acknowledged stipulation, as well as by equity and right. Just and undeniable as the claims of the merchants may be, and certainly are, the United States cannot be obliged to take more

care of them than of the claims equally just and unquestionable of other citizens; much less to sacrifice the latter to the former. To set this matter in a light that will exhibit it in the clearest and most familiar way possible to the understanding and the bosom of every member in this House, I will invert the case. Let us suppose for a moment, that instead of relinquishing the claims for property wrongfully carried off at the close of the war, and obtaining stipulations in favor of the mercantile claims, the mercantile claims had been relinquished, and the other claims provided for—I ask, would not the complaints of the merchants have been as universal and as loud as they would have been just?

Sir, besides the omissions in favor of Great Britain, which I have already pointed out, as particularly connected with the execution of the treaty of peace, the committee will perceive that there are conditions annexed to the partial execution of it in the surrender of the western posts, which increase the general inequality of this part of the treaty, and essentially affect the value of those objects. I beseech the committee to examine the point with the attention a subject of so very important a character demands.

The value of the posts to the United States is to be estimated by the influence of those posts: first, on the trade with the Indians, and secondly, on the temper and conduct of the Indians to the United States.

Their influence on the Indian trade depends principally on the exclusive command they give to the several carrying places connected with the posts. These places are understood to be of such importance in this respect, that those who possess them exclusively will have a monopoly of that lucrative intercourse with a great part of the savage nations. Great Britain having exclusively possessed those places, has possessed all those advantages without a rival; and it was reasonably enough expected, that with the exclusive possession of the posts, the exclusive benefits of that trade and intercourse would be transferred also; but by the treaty now under consideration, the carrying places are to be enjoyed in common, and it will be determined by the respective advantages under which British and American traders will engage in the trade, which of them is to have the larger share in it. In this point of view, even if in

no other, I view this regulation in the treaty as highly impolitic and injurious to the interests of this country. I need not dwell upon the signal advantages the British will have in their superior capital, which we shall have to encounter in all our commercial rivalships; but there is another consideration which ought to have, and no doubt will have great weight with the committee on this subject. The goods imported for the Indian trade through Canada pay no duties, whilst those imported through the United States for that trade will have paid duties from seven to ten per centum. At the same time, every man must see that a drawback is impracticable, or would be attended with an expense which the business would not bear. Whatever the value or the importance, therefore, which the posts may be supposed to derive from those considerations, they are in a great measure stripped of them by the condition annexed by this treaty to the surrender of the posts. Instead of securing, as it ought to have done, a monopoly in our favor, the carrying places are made common to both countries under circumstances which will, in all probability, throw a monopoly into the hands of Great Britain. Nor is this a transient or a temporary evil, for that article of the treaty is to last forever. As to the influence of the posts on the conduct of the Indians, it is well known to depend chiefly upon their influence on the Indian trade. In proportion, therefore, as the condition annexed to the surrender of the posts affects the one, it must affect the other. So long and in such degree as the British continue to enjoy the Indian trade, they will continue to influence the Indian conduct; and though that should not be in the same degree as heretofore, it will be at least in a degree sufficiently great to pass sentence of condemnation on the article in question.

Another very extraordinary feature in this part of the treaty, sir, is the permission that it grants to aliens to hold lands in perpetuity. I will not inquire how far this may be authorized by constitutional principles, but I will always maintain that there cannot be found, in any treaty that ever was made, either where territory was ceded, or where it was acknowledged by one nation to another, one other such stipulation. Although I admit, that in such cases it has been common, and may be right, to make regulations for the conservation of the property of the inhabitants, yet I believe it will appear that in every case of the

kind that has occurred, the owners of landed property, when they were so favored, were either called upon to swear allegiance to the new sovereign, or compelled to dispose of their landed property within a reasonable time.

Sir, the stipulation by which all the ports of the United States are to open to Great Britain, as a valuable consideration for, or condition upon which those of one of her unimportant provinces are to be opened to us in return, is marked with such signal inequality that it ought not only to be rejected, but marked with censure. Nor is the clause respecting the Mississippi less censurable. To me, indeed, it appears singularly reprehensible. Happy is it for the United States, that the adjustment of our claims with Spain has been brought about, before any evil operation of the clause has been experienced. But of the tendency of the thing, I am persuaded, there can be no doubt. It is the more remarkable that this extension of the privileges of Great Britain on the Mississippi, beyond those contained in the treaty of peace, should have been admitted into the new treaty, because, by the latter itself, the supposition is suggested that Great Britain may be deprived, by her real boundary, of all pretensions to a share in the waters and the banks of the Mississippi.

And now, sir, to turn to the second aspect, in which I have undertaken to examine the question; namely, as it determines the several points in the law of nations connected with it. And here, I must say, that the same want of real reciprocity, and the same sacrifice of the interests of the United states, are conspicuous. Sir, it is well known that the principle that "free ships make free goods," has ever been a great and favorite object with the United States; they have established this principle in all their treaties; they have witnessed with anxiety the general effort and the successful advances towards incorporating this principle in the law of nations—a principle friendly to all neutral nations, and particularly interesting to the United States. I know, sir, that it has before now been conceded, on the part of the United States, that the law of nations stands as the present treaty regulates it; but it does not follow that more than acquiescence in this doctrine is proper. There is an evident and a material distinction between silently acquiescing in it, and giving it the additional force and support of a formal

and positive stipulation. The former is all that could have been required, and the latter is more than ought to have been unnecessarily yielded. The treaty is liable to similar objections in respect to the enumeration it contains of contraband articles, in which, sir, I am sorry to be obliged to remark, that the circumstances and interests of the United States, have been made to give way to the particular views of the other party, while the examples held out in our other treaties have been disregarded. Hemp, tar, pitch, turpentine, etc., important staples of this country, have, without even a pretext of reciprocity, been subjected to confiscation. No nation which produces these articles has, I believe, any treaties at present, making the same sacrifice, with the exception of Denmark, who, in the year 1780, by what means I know not, was induced to agree to an explanation of the treaty of 1670, by which these articles are declared to be contraband. Now, sir, it appears to me, that this same supplementary and explanatory agreement between Great Britain and Denmark, has been the model selected for the contraband list of the treaty, at present in question; the enumeration in the latter being transcribed, word for word, from the former, with a single exception, which, not only is in itself, but renders the whole transaction extremely remarkable. The article "Horses," which stands as one part of the original, is entirely omitted in the copy; and what renders the omission more worthy of scrutiny, is, that though the treaty, in general, seems to have availed itself, wherever it readily could, of the authority of Vattel, the omission of horses is no less a departure from him, than from the original, from which that part of the treaty was copied. Indeed, the whole of this particular transaction seems fraught with singularity and just liability to suspicion; for, strange as it may appear, it is certainly true, that the copy proceeded exactly from the original, till it got as far as the purposes of Great Britain required, and at that point stopped short. I entreat the committee to pay attention to his fact. After enumerating the articles that are to be deemed contraband, the Danish article goes on in the words following, viz.: "But it is expressly declared, that among contraband merchandises, shall not be comprehended fish and meats, whether fresh or salted; wheat, flour, corn, or other grain; beans, oil, wines, and generally whatever serves for the nourishment and support of life;

all of which may at all times be sold and transported, like any other merchandises, even to places held by an enemy of the two crowns, provided they be not besieged or blockaded."

This view of the subject naturally leads me to make some observations on that clause of the treaty which relates to provisions, and which, to say the least of it, wears a very ambiguous and disagreeable countenance; or, to speak more precisely, seems to carry with it a necessary implication that provisions, though not bound to besieged or blockaded places, may according to the law of nations, as it now exists, be regarded and treated as contraband. According to the genuine law of nations, no articles, which are not expressly and generally contraband, are so, in any particular instance, except in the single case of their going to a place besieged; yet it is recognized by this treaty, that there are other cases in which provisions may be deemed contraband, from which recognition, implication fairly results, that one of those cases may be that which has been assumed and put in force by Great Britain, in relation to the United States. Such trivial cases, as might be devised by way of appurtenances to the law, that condemns what is bound to blockaded places, can by no means satisfy the import of the stipulation; because such cases cannot be presumed to have been in contemplation of the parties. And if the particular case, of provisions bound to a country at war, although not to a besieged place, was not meant to be one of the cases of contraband according to the existing law of nations, how necessary was it to have said so; and how easy and natural would that course have been, with the Danish example on the subject before their eyes.

On the supposition that provisions, in our own vessels, bound to countries at war with Great Britain, can be now seized by her for her own use, on the condition stipulated, this feature of the treaty, sir, presents itself in a very serious light indeed; especially if the doctrine be resorted to, that has been laid down by the executive in the letter of Mr. Jefferson, then Secretary of State, to Mr. Pinckney, on September 7, 1793. This letter is a comment on the British instructions of June 8, 1793, for seizing neutral provisions. After stating the measure as a flagrant breach of the law of nations, and as ruinous to our commerce and agriculture, it has the following paragraph:

"This act, too, tends to draw us from that state of peace in which we are willing to remain. It is an essential character of neutrality to furnish no aids not stipulated by treaty"—that is, sir, by a treaty made prior to the war—"to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to be sent to France. To restrain it would be a partiality that must lead to war; and between restraining it ourselves, and permitting her enemies to restrain it unrightfully, there is no difference. She would consider it as a mere pretext, of which she certainly would not agree to be the dupe; and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged, by this unauthorized act of Great Britain, into a war, with which we meddle not, and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it." Sir, I entreat the committee to give this very interesting executive document all the attention which it demands, and which they have in their power to bestow.

I am now, sir, come to that article of the treaty by which the sequestration of British property is prohibited; upon which I must say, that though I should, in all probability, be one of the last men existing, to have recourse to such an expedient for redress, I cannot approve of a perpetual and irrevocable abandonment of a defensive weapon, the existence of which may render the use of it unnecessary. Sir, there is an extraordinary peculiarity in the situation of this country, as it stands in its relations to Great Britain. As we have no fleets or armies, to command a respect for our rights, we ought to keep in our own hands all such means as our situation gives us. This article, sir, is another instance of the very little regard that has been paid to reciprocity. It is well known, that British subjects now have, and are likely always to have in this country, a vast quantity of property of the kind made sacred. American citizens, it is known, have little, and are likely to have little of the kind in Great Britain. If a real reciprocity was intended, why are not other kinds of private property, such as vessels and their cargoes, equally protected against violation? These, even within the jurisdiction of Great Britain, are left open to seizure and sequestration, if Great Britain shall find it expedient; and

why is not property on the high seas, under the protection of the law of nations, which is said to be a part of the law of the land, made secure by a like stipulation? This would have given a face of equality and reciprocity to the bargain. But nothing of the sort makes a part of it. Where Great Britain has a particular interest at stake, the treaty watchfully provides for it; when the United States has an equal interest at stake, and equally entitled to protection, it is abandoned to all the dangers which it has experienced.

Having taken this brief review of the positive evils in this part of the treaty, I might add the various omissions, which are chargeable upon it: but, as I shall not pretend to exhaust the subject, I will mention only one, and that is, the utterly neglecting to provide for the exhibition of sea papers; and, I cannot help regarding this omission as truly extraordinary, when I observe that in almost every modern treaty, and particularly in all our other treaties, an article on this subject has been regularly inserted. Indeed it has become almost an article of course in the treaties of the present century.

I shall now, sir, consider the aspect in which the commercial articles of this treaty present themselves for consideration. In the free intercourse stipulated between the United States and Great Britain, it cannot be pretended that any advantage is gained by the former. A treaty is surely not necessary to induce Great Britain to receive our raw materials and to sell us her manufactures. Let us, on the other hand, consider what is given up by the United States.

It is well known that when our government came into operation, the tonnage of America, employed in the British trade, bore a very inconsiderable proportion to the British tonnage. There being nothing on our side to counteract the influence of capital and other circumstances on the British side, that disproportion was the natural state of things. As some small balance to the British advantages, and particularly that of her capital, our laws have made several regulations in favor of our shipping, among which is the important encouragement resulting from the difference of ten per centum in the duties paid by American and foreign vessels. Under this encouragement, the American tonnage has increased in a very respectable degree of proportion to the British tonnage. Great Britain has

never deemed it prudent to frustrate or diminish the effects of this, by attempting any countervailing measures for her shipping; being aware, no doubt, that we could easily preserve the difference by further measures on our side: but by this treaty, she has reserved to herself the right to take such countervailing measures against our existing regulations, and we have surrendered our right to pursue further defensive measures against the influence of her capital. It is justly to be apprehended, therefore, that under such a restoration of things to their former state, the American tonnage will relapse into its former disproportion to the British tonnage.

Sir, when I turn my attention to that branch of the subject which relates to the West Indies, I see still greater cause for astonishment and dissatisfaction. As the treaty now stands, Great Britain is left as free, as she ever has been, to continue to herself and her shipping, the entire monopoly of the intercourse. Recollecting, as I do, and as every member of the committee must do, the whole history of this subject, from the peace of 1783, through every subsequent stage of our independence, down to the mission of the late envoy, I find it impossible, adequately to express my astonishment, that any treaty of commerce should ever have been acceded to, that so entirely abandoned the very object for which alone such a treaty could have been contemplated; I never could have believed that the time was so near, when all the principles, claims, and calculations, which have heretofore prevailed among all classes of people, in every part of the Union, on this interesting point, were to be so completely renounced. A treaty of commerce with Great Britain, excluding a reciprocity for our vessels in the West India trade, is a phenomenon which fills me with great surprise.

I may be told, perhaps, that in the first place, Great Britain grants to no other nation the privilege granted to the United States of trading at all with her West Indies, and that, in the second place, this is an important relaxation of the colonial system established among the nations of Europe. To the first of these observations, I reply, that no other nation bears the same relation to the West Indies as the United States; that the supplies of the United States are essential to those islands; and that the trade with them has been permitted purely on that account, and not as a beneficial privilege to the United States.

To the second, I reply, that it is not true, that the colony system requires an exclusion of foreign vessels from the carrying trade between the colonies and foreign countries. On the contrary, the principle and practice of the colony system are, to prohibit, as much as may be convenient, all trade between the colonies and foreign countries; but when such a trade is permitted at all, as necessary for the colonies, then to allow the vessels of such foreign countries a reciprocal right of being employed in the trade. Great Britain has accordingly restrained the trade of her islands with this country, as far as her interest in them will permit. But, has she allowed our vessels the reciprocal right to carry on the trade so far as it is not restrained? No such thing. Here she enforces a monopoly in her own favor, contrary to justice, and contrary to the colonial system of every European nation that possesses any colonies; none of whom, without a single exception, ever open a trade between their colonies and other countries, without opening it equally to vessels on both sides. This is evidently nothing more than strict justice. A colony is a part of an empire. If a nation choose, she may prohibit all trade between a colony and a foreign country, as she may between any other part of her dominions and a foreign country; but if she permit such a trade at all, it must be free to vessels on both sides, as well in the case of colonies as of any other part of her dominions. Great Britain has the same right to prohibit foreign trade between London and the United States, as between Jamaica and the United States; but if no such prohibition be made with respect to either, she is equally bound to allow foreign vessels a common right with her own in both. If Great Britain were to say that no trade whatever should be carried on between London and the United States, she would exercise a right of which we could not reasonably complain. If she were to say, that no American vessels should be employed in the trade, it would produce just complaints, and justify a reciprocal regulation as to her vessels. The case of the trade from a port in the West Indies is precisely similar.

In order that the omission of the treaty to provide a reciprocity for our vessels in the West India trade, may be placed in its true light, it will be proper to attend to another part of the treaty, which ties up the hands of this country against every

effort for making it the interest of Great Britain to yield to our reasonable claims. For this end I beg leave to point out to the committee the clause which restrains the United States from imposing prohibitions or duties on Great Britain, in any case, which shall not extend to all other nations, and to observe, that the clause makes it impossible to operate on the unreasonable policy of that nation, without suspending our commerce at the same time with all other nations, whose regulations, with respect to us, may be ever so favorable and satisfactory.

The fifteenth article, Mr. Chairman, has another extraordinary feature, which I should imagine must strike every observer. In other treaties, which profess to put the parties on the footing of the most favored nation, it is stipulated that where new favors are granted to a particular nation in return for favors received, the party claiming the new favor shall pay the price of it. This is just and proper where the footing of the most favored nation is established at all. But this article gives to Great Britain the full benefit of all privileges that may be granted to any other nation, without requiring from her the same or equivalent privileges with those granted by such nation. Hence it will happen, that if Spain, Portugal, or France shall open their colonial ports to the United States, in consideration of certain privileges in our trade, the same privileges will result gratis and *ipso facto* to Great Britain. This stipulation, sir, I consider as peculiarly impolitic, and such a one as cannot fail to form, in the view of the committee, a very solid and weighty objection to the treaty.

I dare say, sir, that by the advocates of the treaty great stress will be laid on the article relating to the East Indies. To those who are better acquainted with the subject than I can pretend to be, I shall resign the task of examining and explaining that part of the subject. With two observations, however, I must trouble the committee, before I drop the subject of this article; one is, that some gentlemen, as judicious and well informed as any who can be consulted, declare that they consider this article as affording not a shadow of advantage to the United States. The other is, that no privilege is stipulated in it, which has not heretofore been uniformly granted without stipulation; and as the grant can have proceeded from no motive but a pure regard to the British interest in that country,

there was every reasonable security that the trade would continue open as it had been, under the same consideration.

Such, Mr. Chairman, being the character of this treaty, with respect to the execution of the treaty of peace, the great principles of the law of nations, and the regulations of commerce, it never can be viewed as having any claim to be carried into effect on its own account. Is there then any consideration, extraneous to the treaty, that can furnish the requisite motives? On this part of the subject, the House is wholly without information. The continuance of the spoliations on our trade, and the impressment of our seamen, whether to be understood as practical comments on the treaty, or as infractions of it, cannot but enforce on the minds of the committee the most serious reflections. And here, sir, I beg leave to refer once more to the passage I have already read, extracted from the letter of Mr. Jefferson to Mr. Pinckney, and to ask if, as there stated by the executive, our neutrality and peace are to be exposed, by permitting practices of that kind, what must be thought of our giving effect, in the midst of such practices, to a treaty from which a countenance may be derived by that nation for going on further with them?

I am aware that the executive, notwithstanding the doctrine and policy laid down as above, has finally concurred in the treaty under all these circumstances. But I do not consider that as invalidating the reasoning drawn from the present state of things. I may be treading on delicate ground, but I cannot think it improper to remark, because it is a known fact, that the executive paused for some weeks after the concurrence of the Senate, before he ratified the treaty with his signature; and I think it may fairly be presumed, that the true grounds of that pause were the renewal of spoliations, and a recollection of the light in which they had been represented; that, on that supposition, he was probably influenced in signing the treaty when he did, by an expectation that such a mark of confidence in the British government would produce an abolition of the unlawful proceeding, and consequently, if it were foreseen that the spoliations would have been continued, as we find them to be, the treaty would not have been then signed, or if it had not been then signed, it would not be signed under the circumstances of the moment, when it falls under our consideration.

I shall conclude, Mr. Chairman, with taking notice of two considerations, which have been made great use of by way of inducing Congress to carry the treaty into effect. In the first place, it has been said that the greater part of the treaty is to continue in force for no longer time than two years after the termination of the present war in Europe; and that no very great evils can grow out of it in that short period. To this I reply, that ten of the articles, containing very objectionable stipulations, are perpetual; and that, in the next place, it will be in the power of Great Britain, at the expiration of the other articles, to produce the same causes for the renewal of them, as are now urged in their support. If we are now to enforce the treaty, lest Great Britain should stir up the Indians, and refuse to pay our merchants for the property of which she has plundered them, can she not, at the end of two or three years, plunder them again, to the same or a greater amount? Cannot the same apprehensions be revived with respect to the Indians, and will not the arguments then be as strong as they are now, for renewing the same treaty, or for making any other equal sacrifices that her purposes may dictate?

It has been asked, What will be the consequences of refusing to carry the treaty into effect? I answer, that the only supposable consequence is, that the executive, if governed by the prudence and patriotism which I do not doubt will govern that department, will of course pursue the measures most likely to obtain a reconsideration and remodification of the offensive parts of the treaty. The idea of war as a consequence of refusing to give effect to the treaty is too visionary and incredible to be admitted into the question. No man will say that the United States, if they be really an independent people, have not a right to judge of their own interests, and to decline any treaty that does not duly provide for them. A refusal, therefore, in such cases, can afford no cause, nor pretext, nor provocation for war, or for any just resentment. But, apart from this, is it conceivable that Great Britain, with all the dangers and embarrassments that are thickening on her, will wantonly make war on a country which is the best market she has in the world for her manufactures, which pays her an annual balance, in specie, of ten or twelve millions of dollars, and whose supplies, moreover, are essential to an important part of her dominions? Such a degree

of infatuation ought not to be ascribed to any country. And, at the present crisis, for reasons well known, an unprovoked war from Great Britain, on this country, would argue a degree of madness greater than any other circumstances that can well be imagined.

With all the objections, therefore, to the treaty, which I have stated, I hope it will not now be carried into effect, and that an opportunity will take place for reconsidering the subject, on principles more just and favorable to the United States.

REPLY TO SAMUEL DEXTER

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BY

RED JACKET

RED JACKET

1752—1830

Red Jacket, or Sagoyewatha, "He keeps them awake," was born at Old Castle, near Geneva, New York, in 1752. Little is known of the earlier years of his life except that he was frequently employed as a carrier of dispatches during the War of the Revolution for officers of the British army. Red Jacket did not bear a good reputation for personal courage and prowess. He was better known for the power he possessed to rouse his countrymen to war than to lead them in battle. So much, it is said, did he lack in physical courage that he drew upon himself the contempt and open taunts of Brant, the Mohawk chief, though in later life he behaved splendidly on the American side, especially in the action near Fort George in 1813.

On the death of Brant he became one of the most important men among the Six Nations. The time when he attained his chieftainship is not known, but it was some time before the council at Fort Stanwix in 1784. At this council he opposed the treaty about to be negotiated between the United States and the Six Nations, and, it is said, all his warriors were carried away by his eloquence. The treaty was negotiated, however, in spite of his opposition. In 1810 he gave valuable information to the American government by informing it of Tecumseh's attempt to induce the Senecas to join the Western combination.

Red Jacket will always remain an interesting figure in the closing history of his people. His character is a combination so unique that he presents an ever-tempting subject for psychological study. A thorough Indian in dress and in his contempt for the customs, manners, and language of the whites, he was, moreover, a pronounced enemy of Christianity and its missionaries. He was an orator by nature; his eyes were fine, and his address, especially when he spoke in council, almost majestic. His character was singularly contradictory. Lacking essentially in firmness, he yet displayed a marked tenacity of purpose. An orator of surpassing power, he, at times, descended to the ruses of the demagogue. Still, he was a patriot and loved his nation, whose extinction he clearly foresaw in the not distant future. His "Reply to Samuel Dexter" ranks as one of his most characteristic speeches.

Red Jacket enjoyed the friendship of Washington and of Lafayette. Late in life he became addicted to the excessive use of alcoholic stimulants. He died in 1830, and no monument marked his last resting-place until his remains were removed and reinterred in Buffalo in Forest Lawn Cemetery under the auspices of the Buffalo Historical Society in 1884.

REPLY TO SAMUEL DEXTER*

BROTHER: We yesterday received your speech, which removed all uneasiness from our minds. We then told you that should it please the Great Spirit to permit us to rise in health this day, you should hear what we have come to say.

Brother: The business on which we are now come is to restore the friendship that has existed between the United States and the Six Nations, agreeably to the direction of the commissioner from the fifteen fires of the United States. He assured us that whensoever, by any grievances, the chain of friendship should become rusty, we might have it brightened by calling on you. We dispense with the usual formality of having your speech again read, as we fully comprehended it yesterday, and it would therefore be useless to waste time in a repetition of it.

Brother: Yesterday you wiped the tears from our eyes that we might see clearly; you unstopped our ears that we might hear; and removed the obstructions from our throats that we might speak distinctly. You offered to join with us in tearing up the largest pine tree in our forests, and under it to bury the tomahawk. We gladly join with you, brother, in this work, and let us heap rocks and stones on the root of this tree, that the tomahawk may never again be found.

Brother: Your apology for not having wampum is sufficient, and we agree to accept of your speeches on paper, to evince our sincerity in wishing the tomahawk forever buried. We accompany a repetition of our assurances with these strings. [Strings of wampum.]

Brother: We always desire, on similar melancholy occa-

* A succession of outrages upon the Indians residing along the Pennsylvania border, resulting at different times in the murder of several of their people, induced the Senecas and Tuscaroras in February, 1801, to send a deputation of their chiefs to the seat of the Federal Government, which, since the last Seneca embassage, had been transferred from Philadelphia to the city o Washington. Red Jacket was at the head of this deputation, which was received formally, with an appropriate speech, by the acting Secretary at War, Samuel Dexter, on the tenth of February. On the eleventh, Red Jacket replied, setting forth the business of his mission.

sions, to go through our customary forms of condolence, and have been happy to find the officers of the Government of the United States willing in this manner to make our minds easy.

Brother: We observe that the men now in office are new men, and, we fear, not fully informed of all that has befallen us. In 1791, a treaty was held by the commissioners of Congress with us at Tioga Point, on a similar occasion. We have lost seven of our warriors, murdered in cold blood by white men, since the conclusion of the war. We are tired of this mighty grievance, and wish some general arrangement to prevent it in future. The first of these was murdered on the banks of the Ohio, near Fort Pitt. Shortly after, two men belonging to our first families, were murdered at Pine Creek; then one at Fort Franklin; another at Tioga Point; and now the two that occasion this visit, on the Big Beaver. These last two had families. The one was a Seneca; the other a Tuscarora. Their families are now destitute of support; and we think that the United States should do something toward their support, as it is to the United States they owe the loss of their heads.

Brother: These offences are always committed in one place on the frontier of Pennsylvania. In the Genesee country we live happy, and no one molests us. I must, therefore, beg that the President will exert all his influence with all officers, civil and military, in that quarter to remedy this grievance, and trust that he will thus prevent a repetition of it, and save our blood from being spilled in future. [A belt.]

Brother: Let me call to mind the treaty between the United States and the Six Nations, concluded at Canandaigua. At that treaty Colonel Pickering, who was commissioner on behalf of the United States, agreed that the United States should pay to the Six Nations four thousand five hundred dollars per annum, and that this should pass through the hands of the superintendent of the United States, to be appointed for that purpose. This treaty was made in the name of the President of the United States, who was then General Washington; and as he is now no more perhaps the present President would wish to renew the treaty. But if he should think the old one valid, and is willing to let it remain in force we are also willing. The sum above mentioned we wish to have part of in money, to expend in more agricultural tools, and in purchasing a team, as we have some

horses that will do for the purpose. We also wish to build a sawmill on the Buffalo Creek. If the President, however, thinks proper to have it continue as heretofore, we shall not be very uneasy. Whatever he may do we agree to; we only suggest this for his consideration. [A belt.]

Brother: I hand you the above-mentioned treaty, made by Colonel Pickering, in the name of General Washington, and the belt that accompanied it; as he is now dead, we know not if it is still valid. If not, we wish it renewed—if it is, we wish it copied on clean parchment. Our money got loose in our trunk and tore it. We also show you the belt which is the path of peace between our Six Nations and the United States. [Treaty and two belts.]

Brother: A request was forwarded by us from the Onondaga Nation to the Governor of New York that he should appoint a commissioner to hold a treaty with them. They have a reservation surrounded by white men which they wish to sell. The Cayugas also have a reservation so surrounded that they have been forced to leave it, and they hope that the President's commissioner, whom they expect he will not hesitate to appoint, will be instructed to attend to this business. We also have some business with New York, which we would wish him to attend to.

Brother: The business that has caused this our long journey was occasioned by some of your bad men; the expense of it has been heavy on us. We beg that as so great a breach has been made on your part, the President will judge it proper that the United States should bear our expenses to and from home, and whilst here.

Brother: Three horses belonging to the Tuscarora Nation were killed by some men under the command of Major Rivardi, on the plains of Niagara. They have made application to the superintendent and to Major Rivardi, but got no redress. You make us pay for our breaches of the peace, why should you not pay also? A white man has told us the horses were killed by Major Rivardi's orders, who said they should not be permitted to come there, although it was an open common on which they were killed. Mr. Chapin has the papers respecting these horses, which we request you to take into consideration.

ORATION ON HAMILTON

BY

GOUVERNEUR MORRIS

GOUVERNEUR MORRIS

1752—1816

Gouverneur Morris, the youngest son of Lewis Morris, was born at Morrisania, then in the county of Westchester, on January 31, 1752. The family was originally of Welsh extraction, and casting their lot during the English Revolution on the side of the Protector, became possessed of large estates in the West Indies, and finally settled in New York.

Gouverneur Morris was the great-grandson of Richard Morris, the founder of the family, who removed to New York from Barbadoes about 1670. He received his early education at a private school at New Rochelle, then containing a large Huguenot colony, where he acquired great proficiency in the French language, which he wrote and spoke with remarkable correctness and fluency. While at King's, now Columbia, College, where he graduated in May, 1768, he acquired a considerable reputation as a skilful and eloquent debater. He now devoted himself to the study of law under the direction of William Smith, a lawyer of prominence and later Chief Justice of the province. Morris's connection with politics began early. As a youth of seventeen he discussed, in a number of anonymous contributions, the advisability of issuing paper currency, when a measure to that effect was brought forward in the New York Legislature. In his anonymous contributions on this question he denounced the project as a mischievous pretence for putting off a day of payment which should be met promptly by funds collected from the resources of the province.

Morris began the practice of law in October, 1771, soon after his admission to the bar, and soon made a reputation for himself by the ability and the eloquence of his pleadings. In 1777 he was chosen a delegate to the Continental Congress then in session at Yorktown, Philadelphia being occupied by the British. Chosen as one of the committee to inquire into the condition of the Continental army, then at Valley Forge, he did much to improve the subsistence department and increase the general efficiency of the force.

The correspondence carried on between Morris and Washington during the following years has revealed how much mutual esteem and unreserved confidence these men cherished for one another. In 1780, Morris, having resigned all his public charges, settled in Philadelphia and resumed the practice of law. During the same year he was appointed assistant to Robert Morris, superintendent of the finances under the new government, a position in which for three years he rendered valuable service. In 1787 he was elected a delegate to the Federal Convention from Pennsylvania and had a large share in readjusting and shaping the form in which the constitution finally appeared.

During Washington's first term Morris was sent to England to clear away a matter still remaining in dispute in connection with the treaty of peace, and in 1792 he was accredited minister plenipotentiary to the government of the French republic, in which office he was succeeded by Monroe in 1794. After several years of travel in Europe he was, in 1799, elected Senator from New York to fill an unexpired term. He took his seat in May of the following year and for four years was one of the most influential senators of the Federal party. He died at Morrisania in 1816. He was a friend of Alexander Hamilton, and his eloquent tribute delivered at the grave of his friend shows oratorical ability of unusual power.

ORATION ON HAMILTON

Pronounced over the body of Alexander Hamilton, at the time of its interment, July 14, 1804

IF on this sad, this solemn occasion, I should endeavor to move your commiseration, it would be doing injustice to that sensibility, which has been so generally and so justly manifested. Far from attempting to excite your emotions, I must try to repress my own; and yet, I fear, that, instead of the language of a public speaker, you will hear only the lamentations of a wailing friend. But I will struggle with my bursting heart, to portray that heroic spirit, which has flown to the mansions of bliss.

Students of Columbia—he was in the ardent pursuit of knowledge in your academic shades, when the first sound of the American war called him to the field. A young and unprotected volunteer, such was his zeal, and so brilliant his service, that we heard his name before we knew his person. It seemed as if God had called him suddenly into existence, that he might assist to save a world!

The penetrating eye of Washington soon perceived the manly spirit which animated his youthful bosom. By that excellent judge of men, he was selected as an aid, and thus he became early acquainted with, and was a principal actor in the more important scenes of our revolution. At the siege of York, he pertinaciously insisted on, and he obtained the command of a forlorn hope. He stormed the redoubt; but let it be recorded that not one single man of the enemy perished. His gallant troops, emulating the heroism of their chief, checked the uplifted arm, and spared a foe no longer resisting. Here closed his military career.

Shortly after the war, your favor—no, your discernment, called him to public office. You sent him to the convention at

Philadelphia; he there assisted in forming that constitution, which is now the bond of our union, the shield of our defence, and the source of our prosperity. In signing the compact, he expressed his apprehension that it did not contain sufficient means of strength for its own preservation; and that in consequence we should share the fate of many other republics, and pass through anarchy to despotism. We hoped better things. We confided in the good sense of the American people; and, above all, we trusted in the protecting providence of the Almighty. On this important subject he never concealed his opinion. He disdained concealment. Knowing the purity of his heart, he bore it as it were in his hand, exposing to every passenger its inmost recesses. This generous indiscretion subjected him to censure from misrepresentation. His speculative opinions were treated as deliberate designs; and yet you all know how strenuous, how unremitting were his efforts to establish and to preserve the constitution. If, then, his opinion was wrong, pardon, oh! pardon that single error, in a life devoted to your service.

At the time when our government was organized, we were without funds, though not without resources. To call them into action, and establish order in the finances, Washington sought for splendid talents, for extensive information, and above all, he sought for sterling, incorruptible integrity. All these he found in Hamilton. The system then adopted, has been the subject of much animadversion. If it be not without a fault, let it be remembered that nothing human is perfect. Recollect the circumstances of the moment—recollect the conflict of opinion—and, above all, remember that a minister of a republic must bend to the will of the people. The administration which Washington formed was one of the most efficient, one of the best that any country was ever blessed with. And the result was a rapid advance in power and prosperity, of which there is no example in any other age or nation. The part which Hamilton bore is universally known.

His unsuspecting confidence in professions, which he believed to be sincere, led him to trust too much to the undeserving. This exposed him to misrepresentation. He felt himself obliged to resign. The care of a rising family, and the narrowness of his fortune, made it a duty to return to his profession

for their support. But though he was compelled to abandon public life, never, no, never for a moment did he abandon the public service. He never lost sight of your interests. I declare to you, before that God, in whose presence we are now especially assembled, that in his most private and confidential conversations, the single objects of discussion and consideration were your freedom and happiness. You well remember the state of things which again called forth Washington from his retreat to lead your armies. You know that he asked for Hamilton to be his second in command. That venerable sage well knew the dangerous incidents of a military profession, and he felt the hand of time pinching life at its source. It was probable that he would soon be removed from the scene, and that his second would succeed to the command. He knew by experience the importance of that place—and he thought the sword of America might safely be confided to the hand which now lies cold in that coffin. O, my fellow-citizens, remember this solemn testimonial that he was not ambitious. Yet he was charged with ambition, and wounded by the imputation, when he laid down his command, he declared, in the proud independence of his soul, that he never would accept of any office, unless in a foreign war he should be called on to expose his life in defence of his country. This determination was immovable. It was his fault that his opinions and his resolutions could not be changed. Knowing his own firm purpose, he was indignant at the charge that he sought for place or power. He was ambitious only for glory, but he was deeply solicitous for you. For himself he feared nothing; but he feared that bad men might, by false professions, acquire your confidence, and abuse it to your ruin.

Brethren of the Cincinnati—there lies our chief! Let him still be our model. Like him, aft long and faithful public services, let us cheerfully perform the social duties of private life. Oh! he was mild and gentle. In him there was no offence; no guile. His generous hand and heart were open to all.

Gentlemen of the bar—you have lost your brightest ornament. Cherish and imitate his example. While, like him, with justifiable, and with laudable zeal, you pursue the interests of your clients, remember, like him, the eternal principle of justice.

Fellow-citizens—you have long witnessed his professional

conduct, and felt his unrivalled eloquence. You know how well he performed the duties of a citizen—you know that he never courted your favor by adulation or the sacrifice of his own judgment. You have seen him contending against you, and saving your dearest interests, as it were, in spite of yourselves. And you now feel and enjoy the benefits resulting from the firm energy of his conduct. Bear this testimony to the memory of my departed friend. I charge you to protect his fame. It is all he has left—all that these poor orphan children will inherit from their father. But, my countrymen, that fame may be a rich treasure to you also. Let it be the test by which to examine those who solicit your favor. Disregarding professions, view their conduct, and on a doubtful occasion ask, Would Hamilton have done this thing?

You all know how he perished. On this last scene I cannot, I must not dwell. It might excite emotions too strong for your better judgment. Suffer not your indignation to lead to any act which might again offend the insulted majesty of the laws. On his part, as from his lips, though with my voice—for his voice you will hear no more—let me entreat you to respect yourselves.

And now, ye ministers of the everlasting God, perform your holy office, and commit these ashes of our departed brother to the bosom of the grave.

THE NAVIGATION ACT

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BY

RUFUS KING

RUFUS KING

1755—1827

King was strong in an age of strong men, and distinguished among men of distinction. His honesty and patriotism were unimpeachable, and his knowledge of the deeper principles of government thorough; and thus it happened that year by year his influence and authority increased, and he was intrusted with posts and negotiations of the highest importance. He labored for the public weal almost without pause during his whole mature life, and died in 1827, at the age of seventy-two, before the expiration of his term of service as Minister to the Court of St. James, to which he had been appointed by President John Quincy Adams in 1825.

He was born in Maine in 1755, and graduated at Harvard College twenty-two years later. After a short campaign into Rhode Island under Sullivan, he entered on the practice of law with great success in 1780, and became so marked a man that he was elected to the Legislature of Massachusetts (where he had settled) in 1783. The next year found him in Congress, where he opposed the extension of slavery in the West. He was among the artificers of the constitution; and it was he whose counsel determined Massachusetts to ratify that instrument. He removed to New York in 1788, and after a few months in the local Legislature, was promoted to the United States Senate on the Federalist side. He supported Jay's treaty with England, and incurred a good deal of public obloquy on that account; but Washington marked his approval by appointing him ambassador to England, where he remained till 1803. During ten years after this he was in retirement; in 1813 he re-entered public life as Senator, and in after years was candidate for Governor and Vice-President. He was one of the chief agents for the passage of the Navigation Bill in 1818, and the accompanying speech is one of his best on that subject. He was one of the highest authorities in the country on maritime law and commerce, as he had already showed in his Camillus papers, explaining the Jay treaty, in 1795. He was again a member of the Senate in 1819, closing his career there in 1825; when, as above stated, Adams induced him to accept the English mission. After a year in London, he obtained leave of absence for ill health, and his death occurred the year following, near New York.

He was a great champion of the opponents of slavery extension, and his speeches on the Missouri question are so able and exhaustive that students of the constitutional aspects of the matter need not go further. He was powerful for good, and wielded great influence, in his lifetime. The cool judgment of history adds to instead of detracting from his honest fame.

THE NAVIGATION ACT

Delivered in the Senate of the United States, on April 3, 1818

AGRICULTURE, manufactures, and foreign commerce are the true source of the wealth and power of nations. Agriculture is the chief and well rewarded occupation of our people, and yields, in addition to what we want for our own use, a great surplus for exportation. Manufactures are making a sure and steady progress; and, with the abundance of food and of raw materials, which the country affords, will, at no distant day, be sufficient, in the principal branches, for our own consumption, and furnish a valuable addition to our exports. But, without shipping and seamen, the surpluses of agriculture and of manufactures would depreciate on our hands: the cotton, tobacco, breadstuffs, provisions, and manufactures would turn out to be of little worth, unless we have ships and mariners to carry them abroad, and to distribute them in the foreign markets.

Nations have adopted different theories, as respects the assistance to be derived from navigation; some have been content with a passive foreign commerce—owning no ships themselves, but depending on foreigners and foreign vessels to bring them their supplies, and to purchase of them their surpluses; while others, and almost every modern nation that borders upon the ocean, have preferred an active foreign trade, carried on, as far as consistent with the reciprocal rights of others, by national ships and seamen.

A dependence upon foreign navigation subjects those who are so dependent, to the known disadvantages from foreign wars, and to the expense and risk of the navigation of belligerent nations—the policy of employing a national shipping is, therefore, almost universally approved and adopted: it affords not only a more certain means of prosecuting foreign commerce, but the freight, as well as the profits of trade, are added

to the stock of the nation. The value and importance of national shipping and seamen, have created among the great maritime powers, and particularly in England, a strong desire to acquire, by restrictions and exclusions, a disproportionate share of the general commerce of the world. As all nations have equal rights, and each may claim equal advantages in its intercourse with others, the true theory of international commerce is one of equality, and of reciprocal benefits; this theory gives to enterprise, to skill and to capital, their just and natural advantages; any other scheme is artificial; and so far as it aims at advantages over those who adhere to the open system, it aims at profit at the expense of natural justice.

The colonial system being founded in this vicious theory, has, therefore, proved to be the fruitful source of dissatisfaction, insecurity and war. According to this system the colonies were depressed below the rank of their fellow-subjects, and the fruits of their industry and their intercourse with foreign countries, placed under different regulations from those of the inhabitants of the mother-country. It was the denial to Americans of the rights enjoyed by Englishmen, that produced the American revolution—and the same cause, greatly aggravated, is producing the same effect in South America.

Among the navigators and discoverers of the sixteenth and seventeenth centuries, the Dutch became highly distinguished, and, by enterprise, economy, and perseverance, made themselves the carriers of other nations, and their country the *entrepôt* of Europe—and it was not until the middle of the last mentioned century, that England passed her Navigation Act, which had for its object, to curtail the navigation of the Dutch and to extend her own.

According to this act, the whole trade and intercourse between England, Asia, Africa, and America, were confined to the shipping and mariners of England; and the intercourse between England and the rest of Europe was placed under regulations which, in a great measure, confined the same to English ships and English seamen. This act was strenuously opposed by the Dutch, and proved the occasion of the obstinate naval wars that afterwards followed. England was victorious; persisted in her Navigation Act, and, in the end, broke down the monopoly in trade which the Dutch had until then possessed.

That in vindication of her equal right to navigate the ocean, England should have resisted the monopoly of the Dutch, and freely expended her blood and treasure to obtain her just share of the general commerce, deserved the approbation of all impartial men. But, having accomplished this object, that she should herself aim at, and in the end establish, the same exclusive system, and on a more extended scale, is neither consistent with her own laudable principles, nor compatible with the rights of others; who, relatively to her monopoly now, are in the like situation towards England, as England was towards the Dutch, when she asserted and made good her rights against them.

By the English Act of Navigation, the trade of her colonies is restrained to the dominions of the mother-country; and none but English ships, "whereof the master and three-fourths of her mariners are English," are allowed to engage in it.

So long as colonies are within such limits as leaves to other nations a convenient resort to foreign markets for the exchange of the goods which they have to sell, for those they want to buy, so long this system is tolerable; but if the power of a state enables it to increase the number of its colonies and dependent territories, so that it becomes the mistress of the great military and commercial stations throughout the globe, this extension of dominion, and the consequent monopoly of commerce, seem to be incompatible with, and necessarily to abridge the equal rights of other states.

In the late debates of the English Parliament, the minister in the House of Lords stated, "that instead of seventeen thousand men, employed abroad in 1791, forty-one thousand were then (1816) required, exclusive of those that were serving in France and in India. That England now has forty-three principal colonies, in all of which troops are necessary; that sixteen of these principal colonies were acquired since 1791, and six of them had grown into that rank from mere colonial dependencies." And in the House of Commons the minister, alluding to the acquisitions made during the late war with France, said, "that England had acquired what, in former days, would have been thought a romance—she had acquired the keys of every great military station."

Thus the commercial aggrandizement of England has be-

come such, as that the men who protested against monopoly, and devised the Navigation Act to break it down, could never have anticipated. And it may, ere long, concern other nations to inquire whether laws and principles, applicable to the narrow limits of English dominion and commerce, at the date of the Navigation Act, when colonies and commerce, and even navigation itself, were comparatively in their infancy; laws and principles aimed against monopoly, and adopted to secure to England her just share in the general commerce and navigation, ought to be used by England to perpetuate in her own hands a system equally as exclusive, and far more comprehensive, than that which she was the chief agent to abolish.

Our commercial system is an open one—our ports and commerce are free to all. We neither possess, nor desire to possess, colonies; nor do we object that others should possess them, subject to the ordinary rules and regulations of the colonial system, unless thereby the general commerce of the world be so abridged, that we are restrained in our intercourse with foreign countries wanting our supplies, and furnishing in return, those which we stand in need of.

It is not, however, to the colonial system, but to a new principle, which, in modern times, has been incorporated with those of the Navigation Act, that we now object. According to this act, no direct trade or intercourse can be carried on between a colony and a foreign country; but yet, by the free port bill, passed in the present reign, the English contraband trade, which had been long pursued, in violation of Spanish laws, between the English and Spanish colonies, was sanctioned and regulated by an English act of Parliament; and, since the independence of the United States, England has passed laws, opening an intercourse and trade between her West India colonies and the United States, and, excluding the shipping and seamen of the United States, has confined the same to English ships and seamen; thus departing not only from the principles of the Navigation Act, which she was at liberty to do, by opening a direct intercourse between the colonies and a foreign country, but controlling, which she had no authority to do, the reciprocal rights of the United States to employ their own vessels to carry it on.

Colonies, being parts of the nation, are subject to its regula-

tions, and, according to the practice of Europe, they have been considered as a monopoly of the mother-country; but, as has been stated in former discussions of this subject, when an intercourse and trade are once opened between colonies and a foreign country, the foreign country becomes a party, and thereby has a reciprocal claim to employ its own vessels and seamen equally in the intercourse and trade with such colonies, as with any other part of the nation to which they belong.

Governments owe it to the trust confided to them, carefully to watch over, and by all suitable means to promote, the general welfare; and while, on account of a small or doubtful inconvenience, they will not disturb a beneficial intercourse between their own people and a foreign country, they ought not to omit the interposition of their corrective authority, whenever an important public interest is invaded, or the national reputation affected. "It is good not to try experiments in states unless the necessity be urgent, or the utility evident; and it is well to beware, that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation." In this case the importance of the reformation is seen and acknowledged by everyone, and the delay that has occurred in the making of it may call for explanation.

We are unable to state with accuracy the tonnage and seamen employed before the revolution, in the trade between the territories of the United States and the other English colonies; but it is known to have been a principal branch of the American navigation. The colonies that England has since acquired from France, Spain, and Holland, together with the increased population of the old colonies, require more ships and seamen to be employed in the trade now, than were engaged in it before the independence of the United States. Without reference to the tonnage and trade between the United States and the English West India colonies, during the late wars between England and France, which, by reason of the suspension of the English Navigation Act, and the neutrality of the United States, will not afford a correct standard by which the tonnage and trade in time of peace can be ascertained: our custom-house returns are the best documents that we can consult upon this subject. According to a late report from the department of the treasury, the tonnage employed in this trade during the year 1816, which

may be taken as a pretty fair average, amounted to one hundred and two thousand tons, requiring upwards of five thousand seamen. There may be some error in this return, though we are not able to detect it. The magnitude and importance of the shipping and seamen engaged in this trade will be more readily understood by comparison than otherwise. The tonnage thus employed exceeds the whole tonnage employed by the English East India Company in its trade with Asia; is nearly a moiety of the American and English tonnage employed between the United States and England, and her possessions in Europe—is equal to the American tonnage employed between the United States and England, and is almost an eighth part of the whole registered tonnage of the United States.

To the loss of profits which would accrue from an equal participation in this trade, may be added the loss of an equal share of the freights made by the vessels engaged in it—the aggregate amount whereof must be equal to two millions of dollars, annually. Other advantages are enjoyed by England in the possession of the exclusive navigation between the United States and her colonies, and between them and England. Freights are made by English vessels between England and the United States; between them and the English colonies, as well as between these colonies and England. English voyages are thus made on the three sides of the triangle, while those of the United States are confined to one side of it; that between the United States and England.

But the money value of this great portion of our navigation, claimed and hitherto enjoyed by England, although an object that deserves the public protection, is not the most important view in which the same should be considered by the Senate. We must learn wisdom from past times; and while the experience of the father is too often lost on the son, this ought not to be the case in the affairs of nations, which, living from age to age, and profiting by long experience, should become wiser as they grow older. The present condition of nations, and especially that of the inhabitants of our own continent, merits our watchful attention, and admonishes us to cherish our national resources, and seasonably to devise, and perseveringly to build up, those establishments that our present safety demands, and which may be commensurate with our future destiny.

Justice and moderation, which, we confidently hope, may preside over, and guide our public councils, have not been found to be a sufficient armor for the defence of nations. "Wisdom, in the ancient mythology, was represented as armed, because experience had proved, that good examples and noble precepts fail of their efficacy, unaccompanied by a power to enforce them." To defend ourselves, our houses, our harbors, and our commerce, from foreign aggression and violence, a navy is acknowledged to be necessary. From the land side we are safe; against dangers from the ocean, a navy will prove to be our chief, our sure, and most efficient defence. Although a subject of doubt heretofore, this truth is now so well understood, and so universally admitted, that it would be to misspend the time of the Senate to enter into its development.

An efficient navy never has existed, and cannot exist, without a commercial marine, and the maritime history of Europe, which abounds with instruction on this subject, demonstrates this political truth, that the naval power of every nation is in proportion to its ships and seamen. Money may build ships, but the navigation of the great ocean only can make seamen; and it is in connection with this view of the subject, that the exclusion of our shipping and seamen from the navigation between the United States and the colonies of England, derives its chief importance.

The prosperity and safety of nations are promoted and established, by institutions early and wisely adapted to these ends. A navy, being such an institution, and our experience having proved its importance, it has become the duty of Congress to adopt and to enforce those regulations that are necessary to its efficient establishment. In addition to the protection of the fisheries, none more efficacious can be devised, than such as shall secure to our own shipping and seamen a full participation in the national navigation; thereby shutting out any foreign power from the exclusive enjoyment of a principal branch thereof; a branch that now educates and holds ready for service in the navy of England, and which would educate and hold ready for service in our own navy, were the United States, instead of England, in the possession thereof, a body of several thousand seamen.

But, by passing this act, shall we not cut ourselves off from

those foreign supplies which our habits have rendered indispensable as well as desirable? Will not the English colonial markets for supplies hitherto purchased and exported among us, be lost to them? And shall we increase our navigation by adopting the law?

The documents that have been communicated to the Senate by the chairman of the Committee of Foreign Relations (Mr. Barbour), satisfactorily prove that we are independent of the English colonies for a supply of sugar and coffee, for our own consumption; our annual re-exportation of these articles exceeding the quantity of them annually imported from the English colonies; and, in respect to rum, the other article imported from these colonies, its exclusion will be the loss to England of its best, if not only market; and its place will be readily supplied by other foreign rum and by brandy: or, which is more probable, as well as more desirable, by domestic spirits distilled from grain.

The exports from the United States to the English West India colonies have been estimated at four millions of dollars annually. The problem has been disputed ever since the independence of the United States, and still remains to be solved, whether these colonies could obtain from any other quarter the supplies received from the United States. To make this experiment, effectually, further restrictions and regulations may become necessary, which it is not now deemed expedient to propose. If the question be decided in the negative, the supplies will be continued from the United States, and our shipping will be benefited. If the articles heretofore supplied from this country can be obtained elsewhere, we must find out other markets for our exports, or the labor employed in preparing them must be applied to some other branch of industry. We have the power, and hereafter it may become our policy, as it is that of other countries, to resort to measures, the effect of which would go far to balance any disadvantage arising from the loss of the English colonial markets. We import annually upwards of six million gallons of West India rum, more than half of which comes from the English colonies; we also import every year nearly seven million gallons of molasses; and as every gallon of molasses yields, by distillation, a gallon of rum, the rum imported, added to that distilled from molasses, is prob-

ably equal to twelve million gallons; which enormous quantity is chiefly consumed by citizens of the United States. If the importation of rum and molasses for distillation be prohibited, it would require, at least, four million bushels of grain for distillation to supply an equal quantity of ardent spirits; and in this way, our agriculture would be indemnified for any loss it might suffer by an exclusion from the English colonial markets.

As respects the timber and lumber trade, including staves and woods, in all the forms in which we prepare them for exportation, should no foreign markets be found to supply those, which, by the imposition of high duties in England, and those, which, by the passing of this bill, we may lose in the colonies, those who are engaged in this precarious, and, generally, ill paid and unprofitable business, will hereafter confine their supplies to our domestic wants, which are constantly increasing, and to the foreign markets, that are neither affected by English duties, nor the bill before us.

The timber of the country is becoming scarce, and more and more an object of public concern. The forests upon the frontier of the ocean, and on the great rivers leading to it, are nearly destroyed. In other countries, and even in Russia, the improvident waste of their timber, especially in the neighborhood of their great iron works, has become a subject of national solicitude. Masts, spars, pine, and oak timber fit for naval purposes, and for the other numerous uses for which timber and wood are wanted, were far more abundant and of better quality formerly, and within the memory of men now living, than they are at the present day; and a little more care and economy in the use of our timber, even now, would confer an important benefit on posterity. The probability, however, is, that as respects our valuable timber, we shall not want foreign markets for all we ought to spare.

As a general rule, it is correct, that every person should be free to follow the business he may prefer, since, by the freedom, sagacity, and enterprise of individuals, the general welfare is commonly promoted. There are, however, exceptions to this principle; and, as general rules affect unequally individual concerns, and measures adopted for the common welfare may, from the nature and end of society, sometimes interfere with

private pursuits, the latter must give way for, and yield to, the former; and, in this case, the general welfare, and the interest that all have, in the encouragement and protection of the shipping and seamen of the country, take precedence over the private and individual interests of persons, whose occupations may thereby be somewhat affected.

As to the last point, whether we shall increase our own navigation and seamen, by passing the bill, it may be observed: if England meets us in the temper that we hope she may, and enters into a reciprocally beneficial arrangement, concerning the navigation of the two countries, our shipping will acquire thereby a portion of the carrying trade, now exclusively possessed by her; if she persist in her exclusive system, and thus compels us to meet restriction with restriction, we shall not be losers by this course, but shall ultimately be gainers.

According to the English Navigation Act, as well as the act of Parliament, that departs from it, and opens an intercourse between the English colonies and the United States, we are excluded from any share in the navigation between these colonies and the United States. No notice is taken of the occasional relaxation of the latter act, because, by the double competition created by the Americans themselves, as sellers and buyers in the English colonies, the intercourse is probably disadvantageous rather than beneficial to us. According to the permanent law, English shipping only brings to us her West India supplies, and takes in return the articles wanted in these colonies. If English shipping be no longer employed in this service, and the articles formerly sent to these colonies are exported to other markets, or the supplies received from them are sought for, and imported into the United States from other places, the vessels of the United States will be employed in this service, and so the navigation and mariners of the country will be encouraged and increased.

It will doubtless be found, as it has been heretofore, that new markets will be discovered, as well for our surpluses, as for our wants, should those be lost with which we have formerly had intercourse.

But, why has a measure of this importance been so long deferred? The explanation which this question requires, cannot be made without some reference to the history of our communi-

cations with England since the peace of 1783, as well as to the views and policy of men and parties, that have in succession influenced our public affairs.

As, according to the laws of England, notwithstanding the acknowledgment of our independence, neither trade nor intercourse could be carried on between the United States and her dominions, it became necessary after the treaty of peace to pass some act whereby this trade and intercourse might be opened—a bill for this purpose was therefore introduced into the House of Commons by the administration which concluded the treaty of peace with the United States. The general scope and provisions of the bill correspond with the liberal principles which were manifested in that treaty, and plainly show that the authors of this bill understood that the true basis of trade and intercourse between nations, is reciprocity of benefit; a foundation on which, alone, the friendly intercourse between men and nations can be permanently established. The preamble of this bill declares "that it was highly expedient that the intercourse between Great Britain and the United States should be established on the most enlarged principles of reciprocal benefit to both countries," and as, from the distance between them, it would be a considerable time before a treaty of commerce placing their trade and intercourse on a permanent foundation, could be concluded, the bill, for the purpose of a temporary regulation thereof, provided, that American vessels should be admitted into the ports of Great Britain, as those of other independent states, and that their cargo should be liable to the same duties only as the same merchandise would be subject to, if the same were the property of British subjects, and imported in British vessels—and, further, that the vessels of the United States should be admitted into the English plantations, and colonies, in America, with any articles the growth or manufacture of the United States, and, with liberty to export from such colonies and plantations to the United States any merchandise whatsoever, subject to the same duties only, as if the property of British subjects, and imported or exported in British vessels; allowing, also, the same bounties, drawbacks, and exemptions, on goods exported from Great Britain, to the United States, in American vessels, as on the like exportations in British vessels to the English colonies

and plantations. The person benefited by the English exclusive system of trade and navigation, became alarmed by the provisions of this bill and earnestly opposed it; and which, after a variety of discussion, was postponed or rejected. About this period, Mr. Pitt, who had supported this bill in the House of Commons, resigned his office of Chancellor of the Exchequer, as his colleagues in Lord Shelburne's administration had before done. The coalition administration that succeeded, introduced, in lieu thereof, a new bill, which became a law, vesting in the King and council authority to make such temporary regulations of the American navigation and trade as should be deemed expedient.

Sundry orders in council were accordingly made, whereby a trade and intercourse in American and English vessels, between the United States and Great Britain, were allowed, and, with the exception of fish-oil, and one or two other articles, the produce of the United States, imported into Great Britain, was admitted free, or subject only to the duties payable on the like articles imported in English vessels from the American colonies.

An intercourse, and a trade, in enumerated articles, were also opened, between the United States and the English West India colonies, but with a proviso (the principle of which is still maintained against us), whereby American vessels were excluded, and the whole trade confined to English vessels.

After a periodical renewal of these orders, for several years, the regulations that they contained were adopted by, and became an act of Parliament. This act was afterwards modified, and rendered conformable to the provisions of Mr. Jay's treaty, the commercial articles of which expired in the year 1803—not long after which date England passed a new act of Parliament concerning the American navigation and trade. This act maintains the exclusion of American vessels from the intercourse between the United States and the English colonies, and confines the same, as former acts and orders in council had done, to English vessels; it repeals the settlement of duties pursuant to Mr. Jay's treaty; and, giving up the policy of the enlarged and liberal system of intercourse which had been proposed in Mr. Pitt's bill, it also repeals such parts of all former acts and orders as admitted the productions of the United States, either

free, or on paying the same duties only as were payable on the like articles imported from the English colonies and plantations; and places all articles, the produce of the United States, imported in American vessels, on the same footing as the like articles imported in foreign ships from other foreign countries. This new footing of our trade with England, the importance whereof is well understood by those who are engaged in supplying her markets with masts, spars, timber, naval stores, and pot and pearl ashes, may be regarded as decisive evidence of a complete change of policy concerning the American trade and intercourse; which, however unsatisfactory, as respected the colonial trade, has become more so, by the provisions of this act of Parliament.

The policy that manifested itself in the treaty of our independence, and which is seen in the bill to regulate the trade and intercourse between England and the United States, prepared by the administration that made the treaty of peace, was, by the establishment of trade and intercourse on the solid basis of reciprocal benefit, to unite in a firm bond of friendship, a people politically separate, living under different governments, but having a common origin, a common language, a common law, and kindred blood; circumstances so peculiar as not to be found between any other nations. Instead of this policy, one of a different sort is preferred; one, however, that England has a right to prefer; and, against the many evils of which we must protect ourselves as well as we are able to do. The intricate, countervailing, and perplexing code of commercial intercourse, founded in jealousy, and the rival establishments and pursuits of the powers of Europe bordering upon, and constantly interfering with, each other, has been adopted and applied to the United States—a people agricultural more than manufacturing or commercial; placed in another quarter of the globe; cultivating, and proposing to others an open system of trade and intercourse; and herein, as in many other important discriminations, differing from the nations of Europe, and therefore not fit subjects for these restrictive and jealous regulations. Our policy is, and ever has been, a different one. We desire peace with all nations; and the wars of maritime Europe have taught us, that a free system of trade and intercourse would be the best means of preserving it.

With these principles as our guide, at the negotiation of the treaty of peace, in 1783, our ministers were authorized to conclude a treaty of commerce with England on this basis; but no treaty was concluded. Afterwards, and when a temporary trade and intercourse were opened by England, looking, as we supposed, to a treaty of commerce, Congress instructed Messrs. Adams, Franklin, and Jefferson, to renew the overture of a treaty of commerce, which was done by them through the English ambassador at Paris, in the year 1784; but no correspondent disposition being shown by England, this second overture failed.

The interest and prejudice of those who were benefited by the monopolies, and the exclusive system of England, were opposed to any treaty with this country, on the principle of reciprocal advantage. The political writers of that day, under the influence of these partial views, or not sufficiently appreciating the true theory of commerce, contended that it would be folly to enter into engagements by which England might not wish to be bound in future; that such engagements would be gratuitous, as, according to their interpretation, Congress possessed no power, under the confederation, to enforce any stipulation into which they might enter; that no treaty that could be made would suit all the States; that if any were necessary, they should be made with the States separately; but that none was necessary; and those who talked of liberality and reciprocity in commercial affairs were either without argument or knowledge; that the object of England was, not reciprocity and liberality, but to raise as many sailors and as much shipping as possible.

This unequal footing of our foreign commerce, and the language made use of by England at this juncture, served still more to increase the public discontent; especially as it was plainly avowed that England ought to render the trade with us as exclusively advantageous to herself, as her power and the defects of the old confederation would enable her to do. Congress having no authority, under the confederation, to impose countervailing and other corrective regulations of trade, the States separately attempted to establish regulations upon this subject. But, as a part only of the States joined in this measure, and as the laws passed for this purpose differed from each other, the experiment completely failed.

In this condition of our navigation and trade, subject to foreign restrictions and exclusion, without a power at home to countervail and check the same, Congress resolved to make another effort to conclude a commercial treaty with England. For this purpose Mr. Adams, since President of the United States, was appointed, and went to England in 1785, where he resided for several years; but found and left the Government unchanged, and equally as before disinclined to make with us a treaty of commerce, although, during his residence, England concluded her famous commercial treaty with France.

This further disappointment, with the depreciating condition of our navigation and trade, joined to the embarrassment of the public finances, produced what no inferior pressure could have done; it produced the general convention of 1787, that formed the constitution of the United States. Had England entered into a liberal treaty of commerce with the United States, this convention would not, perhaps, have been assembled. Without so intending it, the adherence of England to her unequal and exclusive system of trade and navigation, gave to this country a constitution; and the countervailing and equalizing bill now before the Senate, arising from the same cause, may assist us in establishing and extending those great branches of national wealth and power, which we have such constant and urgent motives to encourage.

The establishment of the constitution of the United States was coeval with the commencement of the French Revolution. The sessions of the General Convention at Philadelphia, and the sessions of the Assembly of Notables at Paris, were held in the same year.

Laws were passed by the first Congress assembled under the new constitution, partially to correct the inequality of our navigation and trade with foreign nations; and a small discrimination in duties of impost and of tonnage was made for this purpose. Afterwards, in the year 1794, a number of resolutions on the subject of navigation and trade, were moved in the House of Representatives, by a distinguished member of that body. These resolutions had a special reference to the refusal of England to enter into an equal commercial treaty with us, and aimed at countervailing her exclusive system. Other and more direct resolutions, bearing on England, were also pro-

posed by other members, and referred to the inexecution of the treaty of peace, and to the recent captures of American vessels by English cruisers, in the American seas. The policy of these resolutions, in the actual circumstances of the times, was denied; were therefore strenuously opposed, and the mission of Mr. Jay, as envoy extraordinary to England, suspended their further discussion. The French Revolution had by this time become the object of universal attention. War had broken out between France and England. The avowed policy of our own Government to avoid war, and to adhere to a strict system of neutrality, was much questioned; and for a time it was matter of great uncertainty whether the country would support the neutrality recommended by the President.

The universal dissatisfaction on account of the commercial system of England; the inexecution on her part of the articles of peace; the numerous captures, by orders of the English Government, of our vessels, employed in a trade strictly neutral, combined with our friendly recollections of the services of France, and our good wishes in favor of the effort she professed to be making to establish a free constitution, constituted a crisis most difficult and important. It was in these circumstances, that President Washington nominated Mr. Jay as envoy to England.

England seems never to have duly appreciated the true character and importance of this extraordinary measure. France well understood and resented it. Mr. Jay was received with civility, and concluded a treaty with England on the chief points of his instructions. When published, the treaty met with great opposition. The article respecting the West India trade, having been excluded by the Senate, on account of the inadmissible condition or proviso that was coupled with it—with this exception, it was finally ratified by the President.

Although the treaty did not come up to the expectation of all, yet, in addition to satisfactory arrangements concerning English debts, the unlawful capture and condemnation of our vessels, and the delivery of the posts, points of very great importance, it contained articles regulating the trade, navigation, and maritime rights of the two countries. No treaty which could at that time have been made with England, would, in the highly excited temper of the people, have satisfied the country. But,

to those whose object it was to prevent the United States from taking part in the war between France and England, and to prevail upon them to adhere to a system of impartial neutrality; and who, moreover, believed, that the safety and even liberties of the country were concerned in the adoption of this course, the treaty proved a welcome auxiliary.

It suspended the further agitation of difficult and angry topics of controversy with England; it enabled the Government to persist in, and to maintain, the system of neutrality which had been recommended by the father of his country—a policy, the correctness and benefits of which, whatever may have been the disagreement of opinion among the public men of those times, will now scarcely be doubted by anyone.

During the continuance of this treaty, further, though ineffectual, attempts were made to establish a satisfactory intercourse with the English colonies in the West Indies, and, likewise, to place the subject of impressment on a mutually safe and equitable footing. The commercial articles of this treaty expired in 1803, no proposals having been made to renew them. A subsequent negotiation took place in 1806, and a treaty was made, but not ratified by the United States. The peace of Amiens was of short duration. Another war took place between France and England; no maritime treaty then existed between the United States and the latter; and the manner in which she exercised her power on the ocean; the great interruption of the navigation and trade of neutral nations; the numerous captures of their ships and cargoes under the retaliatory decrees and orders of these two powers, with other vexatious occurrences, revived the former angry feelings towards England, and greatly contributed to the late war with that nation. This war was closed by the treaty of Ghent, not long after the conclusion of the general peace in Europe, and was followed by a meagre commercial convention, made at London, and limited, in its duration, to a few years only. Neither the spirit of the negotiation, nor the scope of the articles of this convention, affords any evidence that England is inclined to treat with this country on the only principle on which a commercial treaty with her can be desirable. Her decision on this point can hardly be doubted; as our latest communications inform us, that her ancient system will not be changed; and in case we are

dissatisfied with its operation, that England has no objection to our taking any such measures concerning the same, as we may deem expedient—an intimation that seems to put an end to further overtures on our part.

Such is the explanation why the measure now proposed has been so long deferred.

During the confederation, Congress were without power to adopt it.

The treaty concluded by Mr. Jay, in 1794, and the relaxation of the navigation and colonial laws, during the war between France and England, rendered the measure inexpedient during this period.

And the expectation entertained, that a more enlarged and equal treaty of commerce and navigation, applicable, in its provisions, to peace as well as war, would be substituted in place of the present commercial convention, has hitherto suspended the interference of Congress. This expectation, we fear, must be given up. England has apprised us of her determination to adhere to her ancient and exclusive system of trade and navigation, and the only alternative before us is, to submit to her regulation of our own navigation, or to interpose the authority of the constitution to counteract the same. There can be no hesitation in our choice.

The bill before the Senate is in nothing unfriendly towards England—it is merely a commercial regulation, to which we are even invited; a measure strictly of self-defence, and intended to protect the legitimate resources of our own country from being any longer made use of, not as they should be, for our benefit, but to increase and strengthen the resources and power of a foreign nation. The time is propitious. Causes that formerly prevented the union of opinions in favor of this measure no longer exist; the old world is at peace, and every nation is busily employed in repairing the waste of war, by cultivating the arts, and extending the blessings of peace; England has come out of the most portentous war that Europe has ever suffered, not only unbroken, but with increased power. Her agriculture, manufactures, and commerce were cherished; were without interruption, and increased, while those of neighboring nations were suspended, interrupted, or destroyed. Her colonies and dependent territories have been greatly enlarged, at the

expense of her enemies; and regions, with which we and others once had trade and intercourse, having fallen under her power, are now closed against us. We have no other questions depending with her, except those concerning impressment and the fisheries, and their settlement can, in no manner, be affected by the passing of this act.

England is a great and illustrious nation, having attained to this pre-eminence by generous and successful efforts, in breaking down the civil and religious bondage of former ages. Her patriots, her scholars, and her statesmen have adorned her history, and offer models for the imitation of others. We are the powerful descendants of England, desiring perpetual friendship, and the uninterrupted interchange of kind offices, and reciprocal benefits with her. We have demonstrated, in circumstances the most critical, constant and persevering evidence of this disposition. We still desire the impartial adjustment of our mutual intercourse, and the establishment of some equitable regulations, by which our personal and maritime rights may be secure from arbitrary violation: A settlement that, instead of endless collision and dispute, may be productive of concord, good-humor, and friendship; and, it depends on her whether such is to be the relation between us.

If this bill becomes a law, it must be followed up by ulterior provisions, if requisite, to give it complete effect. Either the intercourse must be reciprocally beneficial, or a sound policy and a due regard to the highest interests of our country demand that it should not be suffered to exist.

THE FEDERAL CONSTITUTION

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BY

JOHN MARSHALL

JOHN MARSHALL

1755—1835

John Marshall was born at Germantown, Fauquier County, Virginia, September 24, 1755. His family had emigrated from England during the reign of Charles I and had settled in Virginia about 1650. Marshall's lack of a college education was fully supplied by the careful instruction of a private tutor, so that at the age of eighteen—an age when most boys are preparing to enter college—his classical education was completed and he was able to devote himself entirely to the study of law. But the times were heavy with great events, and before he had completed his studies the Revolution broke out, and he became a soldier. His father had been appointed major in a regiment of minute men, and he was appointed a lieutenant under him. During the campaign that followed Marshall was often employed as deputy judge advocate, which brought him into intimate relations with Washington and Alexander Hamilton, to whom he became sincerely attached.

He was admitted to the bar in 1780, and he quickly rose to high distinction in his profession. From 1782 to 1788 he was a member of the Legislature of his State. In the latter year he was elected a delegate to the State convention called to consider the adoption of the Federal Constitution. In spite of the powerful opposition to its adoption, represented by such men as Patrick Henry and Monroe, the arguments of Marshall and Madison finally triumphed and resulted in the acceptance of the constitution by Virginia.

Marshall became a strong supporter of Washington's administration while serving two terms immediately after the organization of the government, and again in 1795 and 1796, and it was due to his remarkable power of argument and exposition that in the Jay treaty controversy no stronger resolution was carried than one declaring the treaty to be inexpedient.

At the age of forty Marshall was at the head of the Virginia bar and a recognized authority on questions of public and international law. He had steadfastly refused any appointment under Washington, but in 1797 he was selected by Adams as one of the envoys to France to reestablish friendly relations with the government of that country. His conduct of affairs was highly creditable to himself and his country, but the mission proved barren of immediate results. In May, 1799, Marshall was appointed Secretary of State in John Adams's Cabinet, and, while still in this office, was, on the twentieth of January following, appointed Chief Justice of the Supreme Court of the United States, and confirmed unanimously. The remainder of Marshall's life was passed in fulfilling the duties of his high office. In the trial of Aaron Burr for treason and misdemeanor he observed the most rigid impartiality.

In private life Marshall was a man of the highest integrity, greatly beloved by his own family and by his fellow-citizens. He was unassuming in his manner and amiable in his temper. Of his power as a speaker and forensic debater, the documents recounting the events of the times give ample and sufficient proof. His oration "On the Federal Constitution" embodies in its arguments the whole theory of Federal Union, as adopted by the friends of the constitution. He died in Philadelphia, whither he had gone for medical advice, on July 6, 1835.

THE FEDERAL CONSTITUTION

Delivered in the Virginia Convention, June 10, 1788, the preamble and the first and second sections of the first article of the Federal Constitution being under consideration

MR. CHAIRMAN: I conceive that the object of the discussion now before us is, whether democracy or despotism be most eligible. I am sure that those who framed the system, submitted to our investigation, and those who now support it, intend the establishment and security of the former. The supporters of the constitution claim the title of being firm friends of the liberty and the rights of mankind. They say that they consider it as the best means of protecting liberty. We, sir, idolize democracy. Those who oppose it have bestowed eulogiums on monarchy. We prefer this system to any monarchy, because we are convinced that it has a greater tendency to secure our liberty and promote our happiness. We admire it because we think it a well-regulated democracy: it is recommended to the good people of this country: they are, through us, to declare whether it be such a plan of government as will establish and secure their freedom.

Permit me to attend to what the honorable gentleman, Mr. Henry, has said. He has expatiated on the necessity of a due attention to certain maxims—to certain fundamental principles, from which a free people ought never to depart. I concur with him in the propriety of the observance of such maxims. They are necessary in any government, but more essential to a democracy than to any other. What are the favorite maxims of democracy? A strict observance of justice and public faith, and a steady adherence to virtue. These, sir, are the principles of a good government. No mischief, no misfortune, ought to deter us from a strict observance of justice and public faith. Would to Heaven that these principles had been observed under

the present government! Had this been the case, the friends of liberty would not be so willing now to part with it. Can we boast that our government is founded on these maxims? Can we pretend to the enjoyment of political freedom or security, when we are told that a man has been, by an act of Assembly, struck out of existence without a trial by jury, without examination, without being confronted with his accusers and witnesses, without the benefits of the law of the land? Where is our safety, when we are told that this act was justifiable, because the person was not a Socrates? What has become of the worthy member's maxims? Is this one of them? Shall it be a maxim that a man shall be deprived of his life without the benefit of law? Shall such a deprivation of life be justified by answering, that the man's life was not taken *secundum artem,* because he was a bad man? Shall it be a maxim that government ought not to be empowered to protect virtue?

The honorable member, after attempting to vindicate that tyrannical legislative act to which I have been alluding, proceeded to take a view of the dangers to which this country is exposed. He told us that the principal danger arose from a government which, if adopted, would give away the Mississippi. I intended to proceed regularly, by attending to the clause under debate; but I must reply to some observations which were dwelt upon to make impressions on our minds unfavorable to the plan upon the table. Have we no navigation in, or do we derive no benefit from, the Mississippi? How shall we retain it? By retaining that weak government which has hitherto kept it from us? Is it thus that we shall secure that navigation? Give the government the power of retaining it, and then we may hope to derive actual advantages from it. Till we do this, we cannot expect that a government which hitherto has not been able to protect it, will have the power to do it hereafter. Have we attended too long to consider whether this government would be able to protect us? Shall we wait for further proofs of its inefficacy? If on mature consideration, the constitution will be found to be perfectly right on the subject of treaties, and containing no danger of losing that navigation, will he still object? Will he object because eight States are unwilling to part with it? This is no good ground of objection.

He then stated the necessity and probability of obtaining

amendments. This we ought to postpone until we come to that clause, and make up our minds whether there be anything unsafe in this system. He conceived it impossible to obtain amendments after adopting it. If he was right, does not his own argument prove that in his own conception, previous amendments cannot be had? for, sir, if subsequent amendments cannot be obtained, shall we get amendments before we ratify? The reasons against the latter do not apply against the former. There are in this State, and in every State in the Union, many who are decided enemies of the Union. Reflect on the probable conduct of such men. What will they do? They will bring amendments which are local in their nature, and which they know will not be accepted. What security have we that other States will not do the same? We are told that many in the States were violently opposed to it. They are more mindful of local interests. They will never propose such amendments as they think would be obtained. Disunion will be their object. This will be attained by the proposal of unreasonable amendments. This, sir, though a strong cause, is not the only one that will militate against previous amendments. Look at the comparative temper of this country now, and when the late Federal Convention met. We had no idea then of any particular system. The formation of the most perfect plan was our object and wish. It was imagined that the States would accede to, and be pleased with, the proposition that would be made them. Consider the violence of opinions, the prejudices and animosities which have been since imbibed. Will not these operate greatly against mutual concessions, or a friendly concurrence? This will, however, be taken up more properly another time. He says, we wish to have a strong, energetic, powerful government. We contend for a well-regulated democracy. He insinuates that the power of the government has been enlarged by the convention, and that we may apprehend it will be enlarged by others. The convention did not, in fact, assume any power.

They have proposed to our consideration, a scheme of government which they thought advisable. We are not bound to adopt it, if we disapprove of it. Had not every individual in this community a right to tender that scheme which he thought most conducive to the welfare of his country? Have not sev-

eral gentlemen already demonstrated that the convention did not exceed their powers? But the Congress have the power of making bad laws, it seems. The Senate, with the President, he informs us, may make a treaty which shall be disadvantageous to us; and that, if they be not good men, it will not be a good constitution. I shall ask the worthy member only, if the people at large, and they alone, ought to make laws and treaties. Has any man this in contemplation? You cannot exercise the powers of government personally yourselves. You must trust to agents. If so, will you dispute giving them the power of acting for you, from an existing possibility that they may abuse it? As long as it is impossible for you to transact your business in person, if you repose no confidence in delegates, because there is a possibility of their abusing it, you can have no government; for the power of doing good is inseparable from that of doing some evil.

We may derive from Holland lessons very beneficial to ourselves. Happy that country which can avail itself of the misfortunes of others—which can gain knowledge from that source without fatal experience! What has produced the late disturbances in that country? The want of such a government as is on your table, and having in some measure, such a one as you are about to part with. The want of proper powers in the government, the consequent deranged and relaxed administration, the violence of contending parties, and inviting foreign powers to interpose in their disputes, have subjected them to all the mischiefs which have interrupted their harmony. I cannot express my astonishment at his high-colored eulogium on such a government. Can anything be more dissimilar than the relation between the British government and the colonies, and the relation between Congress and the States? We were not represented in Parliament. Here we are represented. Arguments which prove the impropriety of being taxed by Britain, do not hold against the exercise of taxation by Congress.

Let me pay attention to the observation of the gentleman who was last up, that the power of taxation ought not to be given to Congress. This subject requires the undivided attention of this House. This power I think essentially necessary; for without it there will be no efficiency in the government. We have had a sufficient demonstration of the vanity of depending

on requisitions. How, then, can the general government exist without this power? The possibility of its being abused is urged as an argument against its expediency. To very little purpose did Virginia discover the defects in the old system; to little purpose, indeed, did she propose improvements; and to no purpose is this plan constructed for the promotion of our happiness, if we refuse it now, because it is possible that it may be abused. The confederation has nominal powers, but no means to carry them into effect. If a system of government were devised by more than human intelligence, it would not be effectual if the means were not adequate to the power. All delegated powers are liable to be abused. Arguments drawn from this source go in direct opposition to the government, and in recommendation of anarchy. The friends of the constitution are as tenacious of liberty as its enemies. They wish to give no power that will endanger it. They wish to give the government powers to secure and protect it. Our inquiry here must be, whether the power of taxation be necessary to perform the objects of the constitution, and whether it be safe, and as well guarded as human wisdom can do it. What are the objects of the national government? To protect the United States, and to promote the general welfare. Protection, in time of war, is one of its principal objects. Until mankind shall cease to have ambition and avarice, wars will arise.

The prosperity and happiness of the people depend on the performance of these great and important duties of the general government. Can these duties be performed by one State? Can one State protect us, and promote our happiness? The honorable gentleman who has gone before me, Governor Randolph, has shown that Virginia cannot do these things. How, then, can they be done? By the national government only. Shall we refuse to give it power to do them? We are answered, that the powers may be abused; that, though the Congress may promote our happiness, yet they may prostitute their powers to destroy our liberties. This goes to the destruction of all confidence in agents. Would you believe that men who had merited your highest confidence would deceive you? Would you trust them again after one deception? Why then hesitate to trust the general government? The object of our inquiry is, Is the power necessary, and is it guarded? There must

be men and money to protect us. How are armies to be raised? Must we not have money for that purpose? But the honorable gentleman says that we need not be afraid of war. Look at history, which has been so often quoted. Look at the great volume of human nature. They will foretell you that a defenceless country cannot be secure. The nature of man forbids us to conclude that we are in no danger from war. The passions of men stimulate them to avail themselves of the weakness of others. The powers of Europe are jealous of us. It is our interest to watch their conduct, and guard against them. They must be pleased with our disunion. If we invite them by our weakness to attack us, will they not do it? If we add debility to our present situation, a partition of America may take place.

It is, then, necessary to give the government that power, in time of peace, which the necessity of war will render indispensable, or else we shall be attacked unprepared. The experience of the world, a knowledge of human nature, and our own particular experience, will confirm this truth. When danger shall come upon us, may we not do what we were on the point of doing once already—that is, appoint a dictator? Were those who are now friends to this constitution less active in the defence of liberty, on that trying occasion, than those who oppose it? When foreign dangers come, may not the fear of immediate destruction, by foreign enemies, impel us to take a most dangerous step? Where, then, will be our safety? We may now regulate and frame a plan that will enable us to repel attacks, and render a recurrence to dangerous expedients unnecessary. If we be prepared to defend ourselves, there will be little inducement to attack us. But if we defer giving the necessary power to the general government till the moment of danger arrives, we shall give it then, and with an unsparing hand. America, like other nations, may be exposed to war. The propriety of giving this power will be proved by the history of the world, and particularly of modern republics. I defy you to produce a single instance where requisitions on several individual States, composing a confederacy, have been honestly complied with. Did gentlemen expect to see such punctuality complied with in America? If they did, our own experience shows the contrary.

We are told that the confederation carried us through the

war. Had not the enthusiasm of liberty inspired us with unanimity, that system would never have carried us through it. It would have been much sooner terminated had that government been possessed of due energy. The inability of Congress, and the failure of States to comply with the constitutional requisitions, rendered our resistance less efficient than it might have been. The weakness of that government caused troops to be against us which ought to have been on our side, and prevented all resources of the community from being called at once into action. The extreme readiness of the people to make their utmost exertions to ward off solely the pressing danger, supplied the place of requisitions. When they came finally to be depended on, their inutility was fully discovered. A bare sense of duty, or a regard to propriety, is too feeble to induce men to comply with obligations. We deceive ourselves if we expect any efficacy from these. If requisitions will not avail, the government must have the sinews of war some other way. Requisitions cannot be effectual. They will be productive of delay, and will ultimately be inefficient. By direct taxation, the necessities of the government will be supplied in a peaceable manner, without irritating the minds of the people. But requisitions cannot be rendered efficient without a civil war—without great expense of money, and the blood of our citizens. Are there any other means? Yes, that Congress shall apportion the respective quotas previously, and if not complied with by the States, that then this dreaded power shall be exercised. The operation of this has been described by the gentleman who opened the debate. He cannot be answered. This great objection to that system remains unanswered. Is there no other argument which ought to have weight with us on this subject? Delay is a strong and pointed objection to it.

We are told by the gentleman who spoke last that direct taxation is unnecessary, because we are not involved in war. This admits the propriety of recurring to direct taxation if we were engaged in war. It has not been proved that we have no dangers to apprehend on this point. What will be the consequence of the system proposed by the worthy gentleman? Suppose the States should refuse?

The worthy gentleman who is so pointedly opposed to the constitution, proposes remonstrances. Is it a time for Con-

gress to remonstrate or compel a compliance with requisitions, when the whole wisdom of the Union, and the power of Congress are opposed to a foreign enemy? Another alternative is, that, if the States shall appropriate certain funds for the use of Congress, Congress shall not lay direct taxes. Suppose the funds appropriated by the States, for the use of Congress, should be inadequate; it will not be determined whether they be insufficient till after the time at which the quota ought to have been paid; and then, after so long a delay, the means of procuring money, which ought to have been employed in the first instance, must be recurred to. May they not be amused by such ineffectual and temporizing alternatives from year to year, until America shall be enslaved? The failure in one State will authorize a failure in another. The calculation in some States that others will fail, will produce general failures. This will, also, be attended with all the expenses which we are anxious to avoid. What are the advantages to induce us to embrace this system? If they mean that requisitions should be complied with, it will be the same as if Congress had the power of direct taxation. The same amount will be paid by the people.

It is objected, that Congress will not know how to lay taxes, so as to be easy and convenient for the people at large. Let us pay strict attention to this objection. If it appears to be totally without foundation, the necessity of levying direct taxes will obviate what the gentleman says; nor will there be any color for refusing to grant the power.

The objects of direct taxes are well understood: they are but few; what are they? Lands, slaves, stock of all kinds, and a few other articles of domestic property. Can you believe that ten men, selected from all parts of the State, chosen because they know the situation of the people, will be unable to determine so as to make the tax equal on, and convenient for, the people at large? Does any man believe that they would lay the tax without the aid of other information besides their own knowledge, when they know that the very object for which they are elected is to lay the taxes in a judicious and convenient manner? If they wish to retain the affections of the people at large, will they not inform themselves of every circumstance that can throw light on the subject? Have they but one source of information? Besides their own experience—their knowledge of

what will suit their constituents—they will have the benefit of the knowledge and experience of the State legislature. They will see in what manner the legislature of Virginia collects its taxes. Will they be unable to follow their example? The gentlemen who shall be delegated to Congress will have every source of information that the legislatures of the States can have, and can lay the taxes as equally on the people, and with as little oppression as they can. If, then, it be admitted that they can understand how to lay them equally and conveniently, are we to admit that they will not do it, but that in violation of every principle that ought to govern men, they will lay them so as to oppress us? What benefit will they have by it? Will it be promotive of their re-election? Will it be by wantonly imposing hardships and difficulties on the people at large, that they will promote their own interest, and secure their re-election? To me it appears incontrovertible that they will settle them in such a manner as to be easy for the people. Is the system so organized as to make taxation dangerous? I shall not go to the various checks of the government, but examine whether the immediate representation of the people be well constructed. I conceive its organization to be sufficiently satisfactory to the warmest friend of freedom. No tax can be laid without the consent of the House of Representatives. If there be no impropriety in the mode of electing the representatives, can any danger be apprehended? They are elected by those who can elect representatives in the State legislature. How can the votes of the electors be influenced? By nothing but the character and conduct of the man they vote for. What object can influence them when about choosing him? They have nothing to direct them in the choice but their own good. Have you not as pointed and strong a security as you can possibly have? It is a mode that seems an impossibility of being corrupted. If they are to be chosen for their wisdom, virtue, integrity, what inducement have they to infringe on our freedom? We are told that they may abuse their power. Are there strong motives to prompt them to abuse it? Will not such abuse militate against their own interest? Will not they and their friends feel the effects of iniquitous measures? Does the representative remain in office for life? Does he transmit his title of representative to his son? Is he secured from the burden imposed on the community?

To procure their re-election, it will be necessary for them to confer with the people at large, and convince them, that the taxes laid are for their good. If I am able to judge on the subject, the power of taxation now before us in wisely conceded, and the representatives are wisely elected.

The honorable gentleman said that a government should ever depend on the affections of the people. It must be so. It is the best support it can have. This government merits the confidence of the people, and, I make no doubt, will have it. Then he informed us again of the disposition of Spain with respect to the Mississippi, and the conduct of the government with regard to it. To the debility of the confederation alone may justly be imputed every cause of complaint on this subject. Whenever gentlemen will bring forward their objections, I trust we can prove that no danger to the navigation of that river can arise from the adoption of this constitution. I beg those gentlemen that may be affected by it, to suspend their judgment till they hear it discussed. Will, says he, the adoption of this constitution pay our debts? It will compel the States to pay their quotas. Without this, Virginia will be unable to pay. Unless all the States pay, she cannot. Though the States will not coin money (as we are told), yet this government will bring forth and proportion all the strength of the Union. That economy and industry are essential to our happiness, will be denied by no man. But the present government will not add to our industry. It takes away the incitements to industry, by rendering property insecure and unprotected. It is the paper on your table that will promote and encourage industry. New Hampshire and Rhode Island have rejected it, he tells us. New Hampshire, if my information be right, will certainly adopt it. The report spread in this country, of which I have heard, is, that the representatives of that State having, on meeting, found they were instructed to vote against it, returned to their constituents without determining the question, to convince them of their being mistaken, and of the propriety of adopting it.

The extent of the country is urged as another objection, as being too great for a republican government. This objection has been handed from author to author, and has been certainly misunderstood and misapplied. To what does it owe its source? To observations and criticisms on governments,

where representation did not exist. As to the legislative power, was it ever supposed inadequate to any extent? Extent of country may render it difficult to execute the laws, but not to legislate. Extent of country does not extend the power. What will be sufficiently energetic and operative in a small territory, will be feeble when extended over a wide-extended country. The gentleman tells us there are no checks in this plan. What has become of his enthusiastic eulogium on the American spirit? We should find a check and control, when oppressed from that source. In this country, there is no exclusive personal stock of interest. The interest of the community is blended and inseparably connected with that of the individual. When he promotes his own, he promotes that of the community. When we consult the common good, we consult our own. When he desires such checks as these, he will find them abundantly here. They are the best checks. What has become of his eulogium on the Virginia constitution? Do the checks in this plan appear less excellent than those of the constitution of Virginia? If the checks in the constitution be compared to the checks in the Virginia constitution, he will find the best security in the former.

The temple of liberty was complete, said he, when the people of England said to their king, that he was their servant. What are we to learn from this? Shall we embrace such a system as that? Is not liberty secure with us, where the people hold all powers in their own hands, and delegate them cautiously, for short periods, to their servants, who are accountable for the smallest maladministration? Where is the nation that can boast greater security than we do? We want only a system like the paper before you, to strengthen and perpetuate this security.

The honorable gentleman has asked if there be any safety or freedom, when we give away the sword and the purse. Shall the people at large hold the sword and the purse without the interposition of their representatives? Can the whole aggregate community act personally? I apprehend that every gentleman will see the impossibility of this. Must they, then, not trust them to others? To whom are they to trust them, but to their representatives, whc are accountable for their conduct? He represents secrecy as unnecessary, and produces the British government as a proof of its inutility. Is there no secrecy there? When deliberating on the propriety of declaring war,

or on military arrangements, do they deliberate in the open fields? No, sir. The British government affords secrecy when necessary, and so ought every government. In this plan, secrecy is only used when it would be fatal and pernicious to publish the schemes of government. We are threatened with the loss of our liberties by the possible abuse of power, notwithstanding the maxim, that those who give may take away. It is the people that give power, and can take it back. What shall restrain them? They are the masters who give it, and of whom their servants hold it.

He then argues against the system, because it does not resemble the British government in this—that the same power that declares war has not the means of carrying it on. Are the people of England more secure, if the Commons have no voice in declaring war? or are we less secure by having the Senate joined with the President? It is an absurdity, says the worthy member, that the same man should obey two masters, that the same collector should gather taxes for the general government and the State legislature. Are they not both the servants of the people? Are not Congress and the State legislature the agents of the people, and are they not to consult the good of the people? May not this be effected by giving the same officer the collection of both taxes? He tells you that it is an absurdity to adopt before you amend. Is the object of your adoption to amend solely? The objects of your adoption are union, safety against foreign enemies, and protection against faction—against what has been the destruction of all republics. These impel you to its adoption. If you adopt it, what shall restrain you from amending it, if, in trying it, amendments shall be found necessary? The government is not supported by force, but depending on our free-will. When experience shall show us any inconveniences, we can then correct it. But until we have experience on the subject, amendments as well as the constitution itself, are to try. Let us try it, and keep our hands free to change it when necessary. If it be necessary to change government, let us change that government which has been found to be defective. The difficulty we find in amending the confederation will not be found in amending this constitution. Any amendments, in the system before you, will not go to a radical change; a plain way is pointed out for the purpose. All will

be interested to change it, and therefore all exert themselves in getting the change. There is such a diversity of sentiment in human minds that it is impossible we shall ever concur in one system till we try it. The power given to the general government over the time, place, and manner of election, is also strongly objected to. When we come to that clause, we can prove it is highly necessary, and not dangerous.

The worthy member has concluded his observations by many eulogiums on the British constitution. It matters not to us whether it be a wise one or not. I think that, for America at least, the government on your table is very much superior to it. I ask you if your House of Representatives would be better than it is, if a hundredth part of the people were to elect a majority of them. If your Senators were for life, would they be more agreeable to you? If your President were not accountable to you for his conduct—if it were a constitutional maxim that he could do no wrong—would you be safer than you are now? If you can answer, Yes, to these questions, then adopt the British constitution. If not, then, good as that government may be, this is better. The worthy gentleman who was last up, said the confederacies of ancient and modern times were not similar to ours, and that consequently reasons which applied against them, could not be urged against it. Do they not hold out one lesson very useful to us? However unlike in other respects they resemble it in its total inefficacy. They warn us to shun their calamities, and place in our government those necessary powers, the want of which destroyed them. I hope we shall avail ourselves of their misfortunes, without experiencing them. There was something peculiar in one observation he made. He said that those who governed the cantons of Switzerland were purchased by foreign powers, which was the cause of their uneasiness and trouble. How does this apply to us? If we adopt such a government as theirs, will it not be subject to the same inconvenience? Will not the same cause produce the same effect? What shall protect us from it? What is our security?

He then proceeded to say, the causes of war are removed from us; that we are separated by the sea from the powers of Europe, and need not be alarmed. Sir, the sea makes them neighbors to us. Though an immense ocean divides us, we

may speedily see them with us. What dangers may we not apprehend to our commerce! Does not our naval weakness invite an attack on our commerce? May not the Algerines seize our vessels? Cannot they and every other predatory or maritime nation, pillage our ships and destroy our commerce, without subjecting themselves to any inconvenience? He would, he said, give the general government all necessary powers. If anything be necessary, it must be so to call forth the strength of the Union when we may be attacked, or when the general purposes of America require it. The worthy gentleman then proceeded to show that our present exigencies are greater than they will ever be again.

Who can penetrate into futurity? How can any man pretend to say that our future exigencies will be less than our present? The exigencies of nations have been generally commensurate to their resources. It would be the utmost impolicy to trust to a mere possibility of not being attacked, or obliged to exert the strength of the community. He then spoke of a selection of particular objects by Congress, which he says must necessarily be oppressive; that Congress, for instance, might select taxes, and that all but landholders would escape. Cannot Congress regulate the taxes so as to be equal on all parts of the community? Where is the absurdity of having thirteen revenues? Will they clash with, or injure, each other? If not, why cannot Congress make thirteen distinct laws, and impose the taxes on the general objects of taxation in each State, so as that all persons of the society shall pay equally, as they ought?

He then told you that your continental government will call forth the virtue and talents of America. This being the case, will they encroach on the power of the State governments? Will our most virtuous and able citizens wantonly attempt to destroy the liberty of the people? Will the most virtuous act the most wickedly? I differ in opinion from the worthy gentleman. I think the virtue and talents of the members of the general government will tend to the security, instead of the destruction, of our liberty. I think that the power of direct taxation is essential to the existence of the general government, and that it is safe to grant it. If this power be not necessary, and as safe from abuse as any delegated power can possibly be, then I say that the plan before you is unnecessary; for it imports

not what system we have, unless it have the power of protecting us in time of peace and war.

[On the twentieth of June, the first and second sections of the third article of the constitution being under consideration, Mr. Marshall spoke as follows:]

Mr. Chairman: This part of the plan before us is a great improvement on that system from which we are now departing. Here are tribunals appointed for the decision of controversies, which were before, either not at all, or improperly provided for. That many benefits will result from this to the members of the collective society, everyone confesses. Unless its organization be defective, and so constructed as to injure, instead of accommodating the convenience of the people, it merits our approbation. After such a candid and fair discussion by those gentlemen who support it, after the very able manner in which they have investigated and examined it, I conceived it would be no longer considered as so very defective, and that those who opposed it, would be convinced of the impropriety of some of their objections. But I perceive they still continue the same opposition. Gentlemen have gone on an idea, that the federal courts will not determine the causes, which may come before them, with the same fairness and impartiality with which other courts decide. What are the reasons of this supposition? Do they draw them from the manner in which the judges are chosen, or the tenure of their office? What is it that makes us trust our judges? Their independence in office and manner of appointment. Are not the judges of the federal court chosen with as much wisdom as the judges of the State governments? Are they not equally, if not more independent? If so, shall we not conclude that they will decide with equal impartiality and candor? If there be as much wisdom and knowledge in the United States, as in a particular State, shall we conclude that that wisdom and knowledge will not be equally exercised in the selection of the judges?

The principle on which they object to the federal jurisdiction, seems to me to be founded on a belief, that a fair trial will not be had in those courts. If this committee will consider it fully, they will find it has no foundation, and that we are as secure there as anywhere else. What mischief results from some

causes being tried there? Is there not the utmost reason to conclude, that judges wisely appointed, and independent in their office, will never countenance any unfair trial? What are the subjects of its jurisdiction? Let us examine them with an expectation that causes will be as candidly tried there, as elsewhere, and then determine. The objection which was made by the honorable member who was first up yesterday, Mr. Mason, has been so fully refuted, that it is not worth while to notice it. He objected to Congress having power to create a number of inferior courts according to the necessity of public circumstances. I had an apprehension that those gentlemen who placed no confidence in Congress, would object that there might be no inferior courts. I own that I thought that those gentlemen would think there would be no inferior courts, as it depended on the will of Congress, but that we should be dragged to the centre of the Union. But I did not conceive, that the power of increasing the number of courts could be objected to by any gentleman, as it would remove the inconvenience of being dragged to the centre of the United States. I own that the power of creating a number of courts is, in my estimation, so far from being a defect, that it seems necessary to the perfection of this system. After having objected to the number and mode, he objected to the subject-matter of their cognizance.

[Here Mr. Marshall read the second section.]

These, sir, are the points of federal jurisdiction to which he objects, with a few exceptions. Let us examine each of them, with a supposition that the same impartiality will be observed there, as in other courts, and then see if any mischief will result from them. With respect to its cognizance in all cases arising under the constitution and the laws of the United States, he says, that the laws of the United States being paramount to the laws of the particular States, there is no case but what this will extend to. Has the government of the United States power to make laws on every subject? Does he understand it so? Can they make laws affecting the mode of transferring property, or contracts, or claims between citizens of the same State? Can they go beyond the delegated powers? If they were to make a law not warranted by any of the powers enumerated, it would be considered by the judges as an infringe-

ment of the constitution which they are to guard. They would not consider such a law as coming under their jurisdiction. They would declare it void. It will annihilate the State courts, says the honorable gentleman. Does not every gentleman here know that the causes in our courts are more numerous than they can decide, according to their present construction? Look at the dockets; you will find them crowded with suits, which the life of man will not see determined. If some of these suits be carried to other courts, will it be wrong? They will still have business enough. Then there is no danger that particular subjects, small in proportion, being taken out of the jurisdiction of the State judiciaries, will render them useless and of no effect. Does the gentleman think that the State courts will have no cognizance of cases not mentioned here? Are there any words in this constitution which exclude the courts of the States from those cases which they now possess? Does the gentleman imagine this to be the case? Will any gentleman believe it? Are not controversies respecting lands, claimed under the grants of different States, the only controversies between citizens of the same State, which the federal judiciary can take cognizance of? The case is so clear, that to prove it would be an useless waste of time. The State courts will not lose the jurisdiction of the causes they now decide. They have a concurrence of jurisdiction with the federal courts in those cases in which the latter have cognizance.

How disgraceful is it that the State courts cannot be trusted, says the honorable gentleman. What is the language of the constitution? Does it take away their jurisdiction? Is it not necessary that the federal courts should have cognizance of cases arising under the constitution and the laws of the United States? What is the service or purpose of a judiciary, but to execute the laws in a peaceable, orderly manner, without shedding blood, or creating a contest, or availing yourselves of force? If this be the case, where can its jurisdiction be more necessary than here?

To what quarter will you look for protection from an infringement on the constitution, if you will not give the power to the judiciary? There is no other body that can afford such a protection. But the honorable member objects to it, because, says he, the officers of the government will be screened from

merited punishment by the federal judiciary. The federal sheriff, says he, will go into a poor man's house and beat him, or abuse his family, and the federal court will protect him. Does any gentleman believe this? Is it necessary that the officers will commit a trespass on the property or persons of those with whom they are to transact business? Will such great insults on the people of this country be allowable? Were a law made to authorize them, it would be void. The injured man would trust to a tribunal in his neighborhood. To such a tribunal he would apply for redress, and get it. There is no reason to fear that he would not meet that justice there, which his country will be ever willing to maintain. But on appeal, says the honorable gentleman, what chance is there to obtain justice? This is founded on an idea, that they will not be impartial. There is no clause in the constitution, which bars the individual member injured, from applying to the State courts to give him redress. He says, that there is no instance of appeals as to fact in common law cases. The contrary is well known to you, Mr. Chairman, to be the case in this commonwealth. With respect to mills, roads, and other cases, appeals lie from the inferior to the superior court, as to fact, as well as law. Is it clear that there can be no case in common law, in which an appeal as to fact might be proper and necessary? Can you not conceive a case where it would be productive of advantages to the people at large, to submit to that tribunal the final determination, involving facts as well as law? Suppose it should be deemed for the convenience of the citizens, that those things which concerned foreign ministers should be tried in the inferior courts: if justice should be done, the decision would satisfy all. But if an appeal in matters of fact could not be carried to the superior court, then it would result, that such cases could not be tried before the inferior courts, for fear of injurious and partial decisions.

But, sir, where is the necessity of discriminating between the three cases of chancery, admiralty, and common law? Why not leave it to Congress? Will it enlarge their powers? Is it necessary for them wantonly to infringe your rights? Have you anything to apprehend, when they can, in no case, abuse their power without rendering themselves hateful to the people at large? When this is the case, something may be left to the

legislature, freely chosen by ourselves, from among ourselves, who are to share the burdens imposed upon the community, and who can be changed at our pleasure. Where power may be trusted, and there is no motive to abuse it, it seems to me to be as well to leave it undetermined, as to fix it in the constitution.

With respect to disputes between a State and the citizens of another State, its jurisdiction has been decried with unusual vehemence. I hope no gentleman will think that a State will be called at the bar of the federal court. Is there no such case at present? Are there not many cases in which the legislature of Virginia is a party, and yet the State is not sued? It is not rational to suppose, that the sovereign power shall be dragged before a court. The intent is, to enable States to recover claims of individuals residing in other States. I contend this construction is warranted by the words. But, say they, there will be partiality in it, if a State cannot be defendant—if an individual cannot proceed to obtain judgment against a State, though he may be sued by a State. It is necessary to be so, and cannot be avoided. I see a difficulty in making a State defendant, which does not prevent its being plaintiff. If this be only what cannot be avoided, why object to the system on that account? If an individual has a just claim against any particular State, is it to be presumed, that on application to its legislature, he will not obtain satisfaction? But how could a State recover any claim from a citizen of another State, without the establishment of these tribunals?

The honorable member objects to suits being instituted in the federal courts by the citizens of one State against the citizens of another State. Were I to contend, that this was necessary in all cases, and that the government without it would be defective, I should not use my own judgment. But are not the objections to it carried too far? Though it may not in general, be absolutely necessary, a case may happen, as has been observed, in which a citizen of one State ought to be able to recur to this tribunal, to recover a claim from the citizen of another State. What is the evil which this can produce? Will he get more than justice there? The independence of the judges forbids it. What has he to get? Justice. Shall we object to this, because the citizen of another State can obtain justice without

applying to our State courts? It may be necessary with respect to the laws and regulations of commerce, which Congress may make. It may be necessary in cases of debt, and some other controversies. In claims for land it is not necessary, but it is not dangerous. In the court of which State will it be instituted? —said the honorable gentleman. It will be instituted in the court of the State where the defendant resides, where the law can come at him, and nowhere else. By the laws of which State will it be determined?—said he. By the laws of the State where the contract was made. According to these laws, and those only, can it be decided. Is this a novelty? No, it is a principle in the jurisprudence of this commonwealth. If a man contracted a debt in the East Indies, and it was sued for here, the decision must be consonant to the laws of that country. Suppose a contract made in Maryland, where the annual interest is at six per centum, and a suit instituted for it in Virginia, what interest would be given now, without any federal aid? The interest of Maryland, most certainly, and if the contract had been made in Virginia, and suit brought in Maryland, the interest of Virginia, must be given without doubt. It is now to be governed by the laws of that State where the contract was made. The laws which governed the contract at its formation, govern it in its decision. To preserve the peace of the Union only, its jurisdiction in this case ought to be recurred to. Let us consider, that when citizens of one State carry on trade in another State, much must be due to the one from the other as the case between North Carolina and Virginia. Would not the refusal of justice to our citizens, from the courts of North Carolina, produce disputes between the States? Would the federal judiciary swerve from their duty, in order to give partial and unjust decisions?

The objection respecting the assignment of a bond to a citizen of another State has been fully answered. But suppose it were to be tried as he says, what would be given more than was actually due in the case he mentioned? It is possible, in our courts as they now stand, to obtain a judgment for more than justice. But the court of chancery grants relief. Would it not be so in the federal court? Would not depositions be taken to prove the payments, and if proved, would not the decision of the court be accordingly?

He objects, in the next place, to its jurisdiction in controversies between a State and a foreign state. Suppose, says he, in such a suit, a foreign state is cast, will she be bound by the decision? If a foreign state brought a suit against the commonwealth of Virginia, would she not be barred from the claim if the federal judiciary thought it unjust? The previous consent of the parties is necessary; and, as a federal judiciary will decide, each party will acquiesce. It will be the means of preventing disputes with foreign nations. On an attentive consideration of these courts, I trust every part will appear satisfactory to the committee.

The exclusion of trial by jury in this case, he urged, would prostrate our rights. Does the word court only mean the judges? Does not the determination of a jury, necessarily lead to the judgment of the court? Is there anything here which gives the judges exclusive jurisdiction of matters of fact? What is the object of a jury trial? To inform the court of the facts. When a court has cognizance of facts, does it not follow, that they can make inquiry by a jury? It is impossible to be otherwise. I hope that in this country, where impartiality is so much admired, the laws will direct facts to be ascertained by a jury. But, says the honorable gentleman, the juries in the ten miles square will be mere tools of parties, with which he would not trust his person or property, which, he says, he would rather leave to the court. Because the government may have a district ten miles square, will no man stay there but the tools and officers of the government? Will nobody else be found there? Is it so in any other part of the world, where a government has legislative power? Are there none but officers and tools of the government of Virginia in Richmond? Will there not be independent merchants, and respectable gentlemen of fortune, within the ten miles square? Will there not be worthy farmers and mechanics? Will not a good jury be found there as well as anywhere else? Will the officers of the government become improper to be on a jury? What is it to the government, whether this man or that man succeeds? It is all one thing. Does the constitution say, that juries shall consist of officers, or that the supreme court shall be held in the ten miles square? It was acknowledged by the honorable member, that it was secure in England. What makes it secure there? Is it their

constitution? What part of their constitution is there, that the Parliament cannot change? As the preservation of this right is in the hands of Parliament, and it has ever been held sacred by them, will the government of America be less honest than that of Great Britain? Here a restriction is to be found. The jury is not to be brought out of the State. There is no such restriction in that government; for the laws of Parliament decide everything respecting it. Yet gentlemen tell us that there is safety there, and nothing here but danger. It seems to me, that the laws of the United States will generally secure trials by a jury of the vicinage, or in such manner as will be most safe and convenient for the people.

But it seems that the right of challenging the jurors is not secured in this constitution. Is this done by our own constitution, or by any provision of the English government? Is it done by their Magna Charta, or bill of rights? This privilege is founded on their laws. If so, why should it be objected to the American constitution, that it is not inserted in it? If we are secure in Virginia, without mentioning it in our constitution, why should not this security be found in the federal court?

The honorable gentleman said much about the quit-rents in the Northern Neck. I will refer it to the honorable gentleman himself. Has he not acknowledged that there was no complete title? Was he not satisfied, that the right of the legal representatives of the proprietor did not exist at the time he mentioned? If so, it cannot exist now. I will leave it to those gentlemen who come from that quarter. I trust they will not be intimidated on this account, in voting on this question. A law was passed in 1782, which secures this. He says that many poor men may be harassed and injured by the representatives of Lord Fairfax. If he has no right, this cannot be done. If he has this right, and comes to Virginia, what laws will his claims be determined by? By those of this State. By what tribunals will they be determined? By our State courts. Would not the poor man, who was oppressed by an unjust prosecution, be abundantly protected and satisfied by the temper of his neighbors, and would he not find ample justice? What reason has the honorable member to apprehend partiality or injustice? He supposes that if the judges be judges of both the federal and State courts, they will incline in favor of one government.

If such contests should arise, who could more properly decide them, than those who are to swear to do justice? If we can expect a fair decision anywhere, may we not expect justice to be done by the judges of both the federal and State governments? But, says the honorable member, laws may be executed tyrannically. Where is the independency of your judges? If a law be exercised tyrannically in Virginia, to what can you trust? To your judiciary. What security have you for justice? Their independence. Will it not be so in the federal court?

Gentlemen ask what is meant by law cases, and if they be not distinct from facts. Is there no law arising on cases in equity and admiralty? Look at the acts of assembly; have you not many cases, where law and fact are blended? Does not the jurisdiction in point of law as well as fact, find itself completely satisfied in law and fact? The honorable gentleman says that no law of Congress can make any exception to the federal appellate jurisdiction of fact as well as law. He has frequently spoken of technical terms, and the meaning of them. What is the meaning of the term exception? Does it not mean an alternation and diminution? Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the supreme court. These exceptions certainly go as far as the legislature may think proper, for the interest and liberty of the people. Who can understand this word, exception, to extend to one case as well as the other? I am persuaded, that a reconsideration of this case will convince the gentleman, that he was mistaken. This may go to the cure of the mischief apprehended. Gentlemen must be satisfied, that this power will not be so much abused as they have said.

The honorable member says, that he derives no consolation from the wisdom and integrity of the legislature, because we call them to rectify defects which it is our duty to remove. We ought well to weigh the good and evil before we determine. We ought to be well convinced that the evil will be really produced before we decide against it. If we be convinced that the good greatly preponderates, though there may be small defects in it, shall we give up that which is really good, when we can remove the little mischief it may contain, in the plain, easy method pointed out in the system itself?

I was astonished when I heard the honorable gentleman say, that he wished the trial by jury to be struck out entirely. Is there no justice to be expected by a jury of our fellow-citizens? Will any man prefer to be tried by a court when the jury is to be of his countrymen, and probably of his vicinage? We have reason to believe the regulations with respect to juries will be such as shall be satisfactory. Because it does not contain all, does it contain nothing? But I conceive that this committee will see there is safety in the case, and that there is no mischief to be apprehended.

He states a case, that a man may be carried from a federal to an anti-federal corner, and *vice versa* where men are ready to destroy him. Is this probable? Is it presumable that they will make a law to punish men who are of different opinions in politics from themselves? Is it presumable that they will do it in one single case, unless it be such a case as must satisfy the people at large? The good opinion of the people at large must be consulted by their representatives; otherwise mischiefs would be produced, which would shake the government to its foundation. As it is late, I shall not mention all the gentleman's argument; but some parts of it are so glaring, that I cannot pass them over in silence. He says that the establishment of these tribunals, and more particularly in their jurisdiction of controversies between citizens of these States and foreign citizens and subjects, is like a retrospective law. Is there no difference between a tribunal which shall give justice and effect to an existing right, and creating a right that did not exist before? The debt or claim is created by the individual; he has bound himself to comply with it; does the creation of a new court amount to a retrospective law?

We are satisfied with the provision made in this country on the subject of trial by jury. Does our constitution direct trials to be by jury? It is required in our bill of rights, which is not a part of the constitution. Does any security arise from hence? Have you a jury when a judgment is obtained on a replevin bond, or by default? Have you a jury when a motion is made for the commonwealth against an individual; or when a motion is made by one joint obligor against another, to recover sums paid as security? Our courts decide in all these cases, without the intervention of a jury; yet they are all civil

cases. The bill of rights is merely recommendatory. Were it otherwise, the consequence would be, that many laws which are found convenient, would be unconstitutional. What does the government before you say? Does it exclude the legislature from giving a trial by jury in civil cases? If it does not forbid its exclusion, it is on the same footing on which your State government stands now. The legislature of Virginia does not give a trial by jury where it is not necessary. But gives it wherever it is thought expedient. The federal legislature will do so too, as it is formed on the same principles.

The honorable gentleman says, that unjust claims will be made, and the defendant had better pay them than go to the supreme court. Can you suppose such a disposition in one of your citizens, as that to oppress another man, he will incur great expenses? What will he gain by an unjust demand? Does a claim establish a right? He must bring his witnesses to prove his claim. If he does not bring his witnesses, the expenses must fall upon him. Will he go on a calculation that the defendant will not defend it, or cannot produce a witness? Will he incur a great deal of expense, from a dependence on such a chance? Those who know human nature, black as it is, must know that mankind are too well attached to their interest to run such a risk. I conceive that this power is absolutely necessary, and not dangerous; that should it be attended by little inconveniences, they will be altered, and that they can have no interest in not altering them. Is there any real danger? When I compare it to the exercise of the same power in the government of Virginia, I am persuaded there is not. The federal government has no other motive, and has every reason of doing right, which the members of our State legislature have. Will a man on the Eastern Shore be sent to be tried in Kentucky; or a man from Kentucky be brought to the Eastern Shore to have his trial? A government by doing this would destroy itself. I am convinced, the trial by jury will be regulated in the manner most advantageous to the community.

EULOGY ON WASHINGTON

BY

HENRY LEE

HENRY LEE

1756—1818

Henry Lee, known as "Light Horse Harry," was born in Westmoreland County, Virginia, January 29, 1756. At the age of thirteen he entered the College of New Jersey, at Princeton. He distinguished himself by close application to his studies and strict adherence to the college rules. On graduating, in September, 1773, he delivered an English oration on the Liberal Arts, and received the honors of the college. The following year was passed at his home, and while his father was negotiating treaties with the various Indian tribes the management of the private concerns of the family was intrusted to him. At this time the troubles existing between the ministry of Great Britain and the Colonists were assuming a decided character; the importation of tea had already been prohibited in the several colonies, and the colonists had been called on to resist the measures of the Crown. Animated by the exciting scenes which were being enacted around him, young Lee, at the age of nineteen years, entered the service of his country as a captain of cavalry. In this situation he soon commanded the respect and attention of his countrymen by his active enterprise and manly heroism.

In the autumn of 1777 Lee's company was added to the cavalry regiment of Virginia, thus becoming a part of the Continental army. He rapidly acquired distinction as an able and gallant officer, and soon won the confidence of General Washington, a confidence which continued through life. In 1780 Lee was promoted to the rank of lieutenant-colonel and placed in command of a separate legionary corps. He was sent to the southern department of the United States to join the army under General Greene, where he remained until the close of the war. On the termination of the war he was elected to the legislature of his native State, and in 1786 was chosen a delegate to the Continental Congress. Two years after, he served as a member of the convention for the ratification of the Federal Constitution, which instrument he supported. In 1792 he was elected Governor of Virginia, continuing in office three years. In 1809 he published a valuable work, called "Memoirs of the War in the Southern Department of the United States." He died at Cumberland Island, Georgia, March 25, 1818.

The "Eulogy on Washington" was delivered at the request of Congress, at Philadelphia, twelve days after Washington's death. This oration was so greatly admired by Lee's contemporaries that it was included by them among the great classics of American oratory. General Lee was, however, more renowned as a soldier than as an orator, though his fame as a soldier has been greatly overshadowed by that of his son, General Robert E. Lee.

EULOGY ON WASHINGTON

Delivered at Philadelphia, December 26, 1799

IN obedience to your will, I rise your humble organ, with the hope of executing a part of the system of public mourning which you have been pleased to adopt, commemorative of the death of the most illustrious and most beloved personage this country has ever produced; and which, while it transmits to posterity your sense of the awful event, faintly represents your knowledge of the consummate excellence you so cordially honor.

Desperate, indeed, is any attempt on earth to meet correspondently this dispensation of heaven; for, while with pious resignation we submit to the will of an all-gracious Providence, we can never cease lamenting, in our finite view of omnipotent wisdom, the heart-rending privation for which our nation weeps. When the civilized world shakes to its centre; when every moment gives birth to strange and momentous changes; when our peaceful quarter of the globe, exempt as it happily has been from any share in the slaughter of the human race, may yet be compelled to abandon her pacific policy, and to risk the doleful casualties of war; what limit is there to the extent of our loss? None within the reach of my words to express; none which your feelings will not disavow.

The founder of our federate republic—our bulwark in war, our guide in peace, is no more! O that this were but questionable! Hope, the comforter of the wretched, would pour into our agonizing hearts its balmy dew. But, alas! there is no hope for us; our Washington is removed forever! Possessing the stoutest frame, and purest mind, he had passed nearly to his sixty-eighth year, in the enjoyment of high health, when, habituated by his care of us to neglect himself, a slight cold, disregarded, became inconvenient on Friday, oppressive on Saturday, and, defying every medical interposition, before the morning of Sunday, put

an end to the best of men. An end did I say?—his fame survives! bounded only by the limits of the earth, and by the extent of the human mind. He survives in our hearts, in the growing knowledge of our children, in the affection of the good throughout the world: and when our monuments shall be done away; when nations now existing shall be no more; when even our young and far-spreading empire shall have perished, still will our Washington's glory unfaded shine, and die not, until love of virtue cease on earth, or earth itself sinks into chaos.

How, my fellow-citizens, shall I single to your grateful hearts his pre-eminent worth? Where shall I begin in opening to your view a character throughout sublime? Shall I speak of his warlike achievements, all springing from obedience to his country's will—all directed to his country's good?

Will you go with me to the banks of the Monongahela, to see your youthful Washington, supporting, in the dismal hour of Indian victory, the ill-fated Braddock, and saving, by his judgment and by his valor, the remains of a defeated army, pressed by the conquering savage foe; or, when oppressed America, nobly resolving to risk her all in defence of her violated rights, he was elevated by the unanimous voice of Congress to the command of her armies? Will you follow him to the high grounds of Boston, where, to an undisciplined, courageous, and virtuous yeomanry, his presence gave the stability of system, and infused the invincibility of love of country; or shall I carry you to the painful scenes of Long Island, York Island, and New Jersey, when, combating superior and gallant armies, aided by powerful fleets, and led by chiefs high in the roll of fame, he stood, the bulwark of our safety, undismayed by disaster, unchanged by change of fortune? Or will you view him in the precarious fields of Trenton, where deep gloom, unnerving every arm, reigned triumphant through our thinned, worn-down, unaided ranks; himself unmoved? Dreadful was the night. It was about this time of winter, the storm raged, the Delaware rolling furiously with floating ice, forbade the approach of man. Washington, self-collected, viewed the tremendous scene; his country called; unappalled by surrounding dangers, he passed to the hostile shore; he fought; he conquered. The morning sun cheered the American world. Our country rose on the event; and her dauntless chief, pursuing his blow, completed, in the lawns of

Princeton, what his vast soul had conceived on the shores of Delaware.

Thence to the strong grounds of Morristown, he led his small but gallant band; and through an eventful winter, by the high efforts of his genius, whose matchless force was measurable only by the growth of difficulties, he held in check formidable hostile legions, conducted by a chief experienced in the art of war, and famed for his valor on the ever memorable heights of Abraham, where fell Wolfe, Montcalm, and since, our much lamented Montgomery, all covered with glory. In this fortunate interval, produced by his masterly conduct, our fathers, ourselves, animated by his resistless example, rallied around our country's standard, and continued to follow her beloved chief through the various and trying scenes to which the destinies of our Union led.

Who is there that has forgotten the vales of Brandywine, the fields of Germantown, or the plains of Monmouth? Everywhere present, wants of every kind obstructing, numerous and valiant armies encountering, himself a host, he assuaged our sufferings, limited our privations, and upheld our tottering republic. Shall I display to you the spread of the fire of his soul, by rehearsing the praises of the hero of Saratoga, and his much loved compeer of the Carolinas? No; our Washington wears not borrowed glory. To Gates—to Greene, he gave without reserve the applause due to their eminent merit; and long may the chiefs of Saratoga, and of Eutaw, receive the grateful respect of a grateful people.

Moving in his own orbit, he imparted heat and light to his most distant satellites; and combining the physical and moral force of all within his sphere, with irresistible weight he took his course, commiserating folly, disdaining vice, dismaying treason, and invigorating despondency; until the auspicious hour arrived, when, united with the intrepid forces of a potent and magnanimous ally, he brought to submission the since conqueror of India; thus finishing his long career of military glory with a lustre corresponding to his great name, and in this, his last act of war, affixing the seal of fate to our nation's birth.

To the horrid din of battle, sweet peace succeeded; and our virtuous chief, mindful only of the common good, in a moment tempting personal aggrandizement, hushed the discontents of

growing sedition; and surrendering his power into the hands from which he had received it, converted his sword into a ploughshare, teaching an admiring world that to be truly great, you must be truly good.

Were I to stop here, the picture would be incomplete, and the task imposed unfinished. Great as was our Washington in war, and as much as did that greatness contribute to produce the American republic, it is not in war alone his pre-eminence stands conspicuous. His various talents, combining all the capacities of a statesman, with those of a soldier, fitted him alike to guide the councils and the armies of our nation. Scarcely had he rested from his martial toils, while his invaluable parental advice was still sounding in our ears, when he, who had been our shield and our sword, was called forth to act a less splendid, but more important part.

Possessing a clear and penetrating mind, a strong and sound judgment, calmness and temper for deliberation, with invincible firmness and perseverance in resolutions maturely formed; drawing information from all; acting from himself, with incorruptible integrity and unvarying patriotism; his own superiority and the public confidence alike marked him as the man designed by heaven to lead in the great political as well as military events which have distinguished the era of his life.

The finger of an overruling Providence, pointing at Washington, was neither mistaken nor unobserved; when, to realize the vast hopes to which our Revolution had given birth, a change of political system became indispensable.

How novel, how grand the spectacle! Independent States, stretched over an immense territory, and known only by common difficulty, clinging to their union as the rock of their safety, deciding by frank comparison of their relative condition, to rear on that rock, under the guidance of reason, a common government through whose commanding protection, liberty and order, with their long train of blessings, should be safe to themselves, and the sure inheritance of their posterity.

This arduous task devolved on citizens selected by the people, from knowledge of their wisdom and confidence in their virtue. In this august assembly of sages and of patriots, Washington of course was found; and as if acknowledged to be most wise where all were wise, with one voice he was declared their chief. How

well he merited this rare distinction, how faithful were the labors of himself and his compatriots, the work of their hands and our union, strength and prosperity, the fruits of that work, best attest.

But to have essentially aided in presenting to his country this consummation of her hopes, neither satisfied the claims of his fellow-citizens on his talents, nor those duties which the possession of those talents imposed. Heaven had not infused into his mind such an uncommon share of its ethereal spirit to remain unemployed; nor bestowed on him his genius unaccompanied with the corresponding duty of devoting it to the common good. To have framed a constitution, was showing only, without realizing, the general happiness. This great work remained to be done; and America, steadfast in her preference, with one voice summoned her beloved Washington, unpractised as he was in the duties of civil administration, to execute this last act in the completion of the national felicity. Obedient to her call, he assumed the high office with that self-distrust peculiar to his innate modesty, the constant attendant of pre-eminent virtue. What was the burst of joy through our anxious land, on this exhilarating event, is known to us all. The aged, the young, the brave, the fair, rivalled each other in demonstrations of their gratitude; and this high-wrought, delightful scene, was heightened in its effect, by the singular contest between the zeal of the bestowers and the avoidance of the receiver of the honors bestowed. Commencing his administration, what heart is not charmed with the recollection of the pure and wise principles announced by himself, as the basis of his political life! He best understood the indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and individual felicity; watching, with an equal and comprehensive eye, over this great assemblage of communities and interests, he laid the foundations of our national policy in the unerring immutable principles of morality, based on religion, exemplifying the pre-eminence of a free government, by all the attributes which win the affections of its citizens, or command the respect of the world.

"O fortunatos nimium, sua si bona norint!"

Leading through the complicated difficulties produced by previous obligations and conflicting interests, seconded by succeeding Houses of Congress, enlightened and patriotic, he surmounted all original obstruction, and brightened the path of our national felicity.

The presidential term expiring, his solicitude to exchange exaltation for humility returned with a force increased with increase of age; and he had prepared his farewell address to his countrymen, proclaiming his intention, when the united interposition of all around him, enforced by the eventful prospects of the epoch, produced a further sacrifice of inclination to duty. The election of President followed, and Washington, by the unanimous vote of the nation, was called to resume the chief magistracy. What a wonderful fixture of confidence! Which attracts most our admiration, a people so correct, or a citizen combining an assemblage of talents forbidding rivalry, and stifling even envy itself? Such a nation ought to be happy, such a chief must be forever revered.

War, long menaced by the Indian tribes, now broke out; and the terrible conflict, deluging Europe with blood, began to shed its baneful influence over our happy land. To the first, outstretching his invincible arm, under the orders of the gallant Wayne, the American eagle soared triumphant through distant forests. Peace followed victory; and the melioration of the condition of the enemy followed peace. Godlike virtue, which uplifts even the subdued savage!

To the second he opposed himself. New and delicate was the conjuncture, and great was the stake. Soon did his penetrating mind discern and seize the only course, continuing to us all the felicity enjoyed. He issued his proclamation of neutrality. This index to his whole subsequent conduct, was sanctioned by the approbation of both Houses of Congress, and by the approving voice of the people.

To this sublime policy he inviolably adhered, unmoved by foreign intrusion, unshaken by domestic turbulence.

> *"Justum et tenacem propositi virum,*
> *Non civium ardor prava jubentium,*
> *Non vultus instantis tyranni,*
> *Mente quatit solida."*

Maintaining his pacific system at the expense of no duty, America, faithful to herself, and unstained in her honor, continued to enjoy the delights of peace, while afflicted Europe mourns in every quarter, under the accumulated miseries of an unexampled war; miseries in which our happy country must have shared, had not our pre-eminent Washington been as firm in council as he was brave in the field.

Pursuing steadfastly his course, he held safe the public happiness, preventing foreign war, and quelling internal discord, till the revolving period of a third election approached, when he executed his interrupted but inextinguishable desire of returning to the humble walks of private life.

The promulgation of his fixed resolution stopped the anxious wishes of an affectionate people from adding a third unanimous testimonial of their unabated confidence in the man so long enthroned in their hearts. When before was affection like this exhibited on earth? Turn over the records of ancient Greece; review the annals of mighty Rome; examine the volumes of modern Europe; you search in vain. America and her Washington only afford the dignified exemplification.

The illustrious personage, called by the national voice in succession to the arduous office of guiding a free people, had new difficulties to encounter. The amicable effort of settling our difficulties with France, begun by Washington, and pursued by his successor in virtue as in station, proving abortive, America took measures of self-defence. No sooner was the public mind roused by a prospect of danger, than every eye was turned to the friend of all, though secluded from public view, and gray in public service. The virtuous veteran, following his plough, received the unexpected summons with mingled emotions of indignation at the unmerited ill-treatment of his country, and of a determination once more to risk his all in her defence.

The annunciation of these feelings, in his affecting letter to the President, accepting the command of the army, concludes his official conduct.

First in war, first in peace, and first in the hearts of his countrymen, he was second to none in the humble and endearing scenes of private life. Pious, just, humane, temperate, and sincere; uniform, dignified, and commanding, his example was as

edifying to all around him as were the effects of that example lasting.

To his equals he was condescending; to his inferiors kind; and to the dear object of his affections exemplarily tender. Correct throughout, vice shuddered in his presence, and virtue always felt his fostering hand; the purity of his private character gave effulgence to his public virtues.

His last scene comported with the whole tenor of his life: although in extreme pain, not a sigh, not a groan escaped him; and with undisturbed serenity he closed his well-spent life. Such was the man America has lost! Such was the man for whom our nation mourns!

Methinks I see his august image, and hear, falling from his venerable lips, these deep sinking words:

" Cease, sons of America, lamenting our separation: go on, and confirm by your wisdom the fruits of our joint counsels, joint efforts, and common dangers. Reverence religion; diffuse knowledge throughout your land; patronize the arts and sciences; let liberty and order be inseparable companions; control party spirit, the bane of free government; observe good faith to, and cultivate peace with all nations; shut up every avenue to foreign influence; contract rather than extend national connection; rely on yourselves only; be American in thought and deed. Thus will you give immortality to that Union, which was the constant object of my terrestrial labors. Thus will you preserve, undisturbed to the latest posterity, the felicity of a people to me most dear: and thus will you supply (if my happiness is now aught to you) the only vacancy in the round of pure bliss high heaven bestows."

THE FEDERAL CONSTITUTION

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BY

ALEXANDER HAMILTON

ALEXANDER HAMILTON

1757—1804

Alexander Hamilton was one of the foremost figures in the great drama of the American Revolution, from first to last; but he was not an American by birth or parentage, nor was he at any time in sympathy with the ideas which after the struggle, and since then, have controlled the government of the country. He did not have faith in the democratic idea: he desired the establishment of a strong central government, and would not have objected even to a monarchical administration. His speech on "The Federal Constitution" gives, in a short space, his ideas on the nature and functions of the Federal government. He was profoundly ambitious, and his views had a range and daring which at times might have brought peril to the country which he had helped to make; but fortunately he was associated with men almost or quite as able as himself and ruled by a more single-minded devotion to the republic and greater faith in the ability of the people to rule themselves. His intellect was of the finest order, handling with ease problems which most men of ability approach with self-distrust and treat with difficulty. Nothing seemed to be beyond Hamilton's powers; he was the greatest financial genius this country has seen, and the memorable eulogy which Webster pronounced upon him was fairly deserved. He served with distinction as a soldier during the war as a trusted member of Washington's staff. On the establishment of the national government with Washington as President, Hamilton was appointed Secretary of the Treasury, and in 1799 was appointed commander-in-chief of the army.

As a writer he was second only to Jefferson; he wrote most of the papers of the "Federalist," which aimed to create a policy for the country after the war, and in which his associates were Madison and Jay. While yet in his teens he published several pamphlets of importance, treating of the situation just preceding the war, in 1774 and 1775. As an orator he was concise, full of matter, forcible and convincing; and he was endowed with a personal presence of marked dignity and charm, which commanded respect and affection from all honest men. But in 1804, when he was forty-seven years of age, and at the height of his powers, he became involved in a quarrel with Aaron Burr, and in the duel which he was unable to prevent, he was shot and mortally wounded, dying the following day.

He was born in the little West Indian island of Nevis, on January 11, 1757; but came to New York and settled there when about fifteen years old. From that time until his death he was fully occupied with concerns of the highest and gravest moment; the fire of his life and genius burned unceasingly from first to last. Few mistakes are recorded in his career; his purposes were always honorable and lofty; and he had the magnanimity, when the measures and the policy which he thought wise were prevented, to accept loyally the verdict of the majority, and to labor with them for the common good.

THE FEDERAL CONSTITUTION

*Delivered at the New York Convention, June 24, 1788**

I AM persuaded, Mr. Chairman, that I in my turn shall be indulged in addressing the committee. We all, in equal sincerity, profess to be anxious for the establishment of a republican government, on a safe and solid basis. It is the object of the wishes of every honest man in the United States, and I presume I shall not be disbelieved, when I declare, that it is an object of all others, the nearest and most dear to my own heart. The means of accomplishing this great purpose, become the most important study which can interest mankind. It is our duty to examine all those means with peculiar attention, and to choose the best and most effectual. It is our duty to draw from nature, from reason, from examples, the best principles of policy, and to pursue and apply them in the formation of our government. We should contemplate and compare the systems which, in this examination, come under our view; distinguish, with a careful eye. the defects and excellencies of each, and discarding the former, incorporate the latter, as far as circumstances will admit, into our constitution. If we pursue a different course and neglect this duty, we shall probably disappoint the expectations of our country and of the world.

In the commencement of a revolution, which received its birth from the usurpations of tyranny, nothing was more natural than that the public mind should be influenced by an extreme spirit of jealousy. To resist these encroachments, and to nourish this spirit, was the great object of all our public and private institutions. The zeal for liberty became predominant

* This speech was in opposition to a resolution brought forward by Mr. G. Livingston, as an amendment to the constitution, which proposed: That no person should be eligible as a Senator for more than six years, in any term of twelve years, and that the legislatures of the several States should have power to recall their Senators, or either of them, and to elect others in their stead, to serve for the remainder of the time for which such Senator or Senators, so recalled, were appointed.

and excessive. In forming our confederation, this passion alone seemed to actuate us, and we appear to have had no other view than to secure ourselves from despotism. The object certainly was a valuable one, and deserved our utmost attention. But, sir, there is another object, equally important, and which our enthusiasm rendered us little capable of regarding: I mean a principle of strength and stability in the organization of our government, and vigor in its operations. This purpose can never be accomplished but by the establishment of some select body, formed peculiarly upon this principle. There are few positions more demonstrable than that there should be in every republic, some permanent body to correct the prejudices, check the intemperate passions, and regulate the fluctuations of a popular assembly. It is evident, that a body instituted for these purposes, must be so formed as to exclude, as much as possible, from its own character, those infirmities, and that mutability which it is designed to remedy. It is therefore necessary that it should be small, that it should hold its authority during a considerable period, and that it should have such an independence in the exercise of its powers as will divest it as much as possible of local prejudices. It should be so formed as to be the centre of political knowledge, to pursue always a steady line of conduct, and to reduce every irregular propensity to system. Without this establishment, we may make experiments without end, but shall never have an efficient government.

It is an unquestionable truth, that the body of the people in every country desire sincerely its prosperity; but it is equally unquestionable, that they do not possess the discernment and stability necessary for systematic government. To deny that they are frequently led into the grossest errors by misinformation and passion, would be a flattery which their own good-sense must despise. That branch of administration especially, which involves our political relations with foreign states, a community will ever be incompetent to. These truths are not often held up in public assemblies; but they cannot be unknown to any who hear me. From these principles it follows, that there ought to be two distinct bodies in our government; one, which shall be immediately constituted by and peculiarly represent the people, and possess all the popular features; another, formed

upon the principle, and for the purposes before explained. Such considerations as these induced the convention who formed your State constitution, to institute a senate upon the present plan. The history of ancient and modern republics had taught them, that many of the evils which these republics suffered, arose from the want of a certain balance and mutual control indispensable to a wise administration; they were convinced that popular assemblies are frequently misguided by ignorance, by sudden impulses, and the intrigues of ambitious men; and that some firm barrier against these operations was necessary; they therefore instituted your Senate, and the benefits we have experienced have fully justified their conceptions.

Now, sir, what is the tendency of the proposed amendment? To take away the stability of government, by depriving the Senate of its permanency; to make this body subject to the same weakness and prejudices which are incident to popular assemblies, and which it was instituted to correct; and by thus assimilating the complexion of the two branches, destroy the balance between them. The amendment will render the Senator a slave to all the capricious humors among the people. It will probably be here suggested, that the legislatures, not the people, are to have the power of recall. Without attempting to prove that the legislatures must be, in a great degree, the image of the multitude, in respect to federal affairs, and that the same prejudices and factions will prevail; I insist, that in whatever body the power of recall is vested, the Senator will perpetually feel himself in such a state of vassalage and dependence, that he never can possess that firmness which is necessary to the discharge of his great duty to the Union.

Gentlemen, in their reasoning, have placed the interests of the several States and those of the United States in contrast; this is not a fair view of the subject; they must necessarily be involved in each other. What we apprehend is, that some sinister prejudice, or some prevailing passion, may assume the form of a genuine interest. The influence of these is as powerful as the most permanent conviction of the public good; and against this influence we ought to provide. The local interests of a State ought in every case to give way to the interests of the Union; for when a sacrifice of one or the other is necessary, the former becomes only an apparent, partial interest, and should

yield, on the principle that the small good ought never to oppose the great one. When you assemble from your several counties in the legislature, were every member to be guided only by the apparent interest of his county, government would be impracticable. There must be a perpetual accommodation and sacrifice of local advantage to general expediency; but the spirit of a mere popular assembly would rarely be actuated by this important principle. It is therefore absolutely necessary that the Senate should be so formed, as to be unbiassed by false conceptions of the real interests, or undue attachment to the apparent good of their several States.

Gentlemen indulge too many unreasonable apprehensions of danger to the State governments; they seem to suppose that the moment you put men into a national council, they become corrupt and tyrannical, and lose all their affection for their fellow-citizens. But can we imagine that the Senators will ever be so insensible of their own advantage, as to sacrifice the genuine interest of their constituents? The State governments are essentially necessary to the form and spirit of the general system. As long, therefore, as Congress have a full conviction of this necessity, they must, even upon principles purely national, have as firm an attachment to the one as to the other. This conviction can never leave them, unless they become madmen. While the constitution continues to be read, and its principles known, the States must, by every rational man, be considered as essential, component parts of the Union; and therefore the idea of sacrificing the former to the latter is wholly inadmissible.

The objectors do not advert to the natural strength and resources of State governments, which will ever give them an important superiority over the general government. If we compare the nature of their different powers, or the means of popular influence which each possesses, we shall find the advantage entirely on the side of the States. This consideration, important as it is, seems to have been little attended to. The aggregate number of representatives throughout the States may be two thousand. Their personal influence will, therefore, be proportionally more extensive than that of one or two hundred men in Congress. The State establishments of civil and military officers of every description, infinitely surpassing in num-

ber any possible correspondent establishments in the general government, will create such an extent and complication of attachments, as will ever secure the predilection and support of the people. Whenever, therefore, Congress shall meditate any infringment of the State constitutions, the great body of the people will naturally take part with their domestic representatives. Can the general government withstand such a united opposition? Will the people suffer themselves to be stripped of their privileges? Will they suffer their legislatures to be reduced to a shadow and a name? The idea is shocking to common-sense.

From the circumstances already explained, and many others which might be mentioned, results a complicated, irresistible check, which must ever support the existence and importance of the State governments. The danger, if any exists, flows from an opposite source. The probable evil is, that the general government will be too dependent on the State legislatures, too much governed by their prejudices, and too obsequious to their humors; that the States, with every power in their hands, will make encroachments on the national authority, till the Union is weakened and dissolved.

Every member must have been struck with an observation of a gentleman from Albany. Do what you will, says he, local prejudices and opinions will go into the Government. What! shall we then form a constitution to cherish and strengthen these prejudices? Shall we confirm the distemper instead of remedying it? It is undeniable that there must be a control somewhere. Either the general interest is to control the particular interests, or the contrary. If the former, then certainly the Government ought to be so framed, as to render the power of control efficient to all intents and purposes; if the latter, a striking absurdity follows; the controlling powers must be as numerous as the varying interests, and the operations of government must therefore cease; for the moment you accommodate these different interests, which is the only way to set the Government in motion, you establish a general controlling power. Thus, whatever constitutional provisions are made to the contrary, every government will be at last driven to the necessity of subjecting the partial to the universal interest. The gentlemen ought always, in their reasoning, to distinguish be-

tween the real, genuine good of a state, and the opinions and prejudices which may prevail respecting it; the latter may be opposed to the general good, and consequently ought to be sacrificed; the former is so involved in it, that it never can be sacrificed. Sir, the main design of the convention, in forming the Senate, was to prevent fluctuations and cabals. With this view, they made that body small and to exist for a considerable period. Have they executed this design too far? The senators are to serve six years. This is only two years longer than the senators of this State hold their places. One-third of the members are to go out every two years; and in six, the whole body may be changed. Prior to the revolution, the representatives in the several colonies were elected for different periods; for three years, for seven years, etc. Were those bodies ever considered as incapable of representing the people, or as too independent of them? There is one circumstance which will have a tendency to increase the dependence of the senators on the States, in proportion to the duration of their appointments. As the State legislatures are in continual fluctuation, the senator will have more attachments to form, and consequently a greater difficulty of maintaining his place, than one of shorter duration. He will therefore be more cautious and industrious to suit his conduct to the wishes of his constituents.

Sir, when you take a view of all the circumstances which have been recited, you will certainly see that the senators will constantly look up to the state governments with an eye of dependence and affection. If they are ambitious to continue in office they will make every prudent arrangement for this purpose, and whatever may be their private sentiments of politics, they will be convinced that the surest means of obtaining a re-election will be a uniform attachment to the interests of their several States.

The gentlemen, to support their amendment, have observed that the power of recall, under the old government, has never been exercised. There is no reasoning from this. The experience of a few years, under peculiar circumstances, can afford no probable security that it never will be carried into execution with unhappy effects. A seat in Congress has been less an object of ambition, and the arts of intrigue, consequently, have been less practised. Indeed, it has been difficult to find men

who were willing to suffer the mortifications to which so feeble a government and so dependent a station exposed them.

Sir, if you consider but a moment the purposes for which the Senate was instituted, and the nature of the business which they are to transact, you will see the necessity of giving them duration. They, together with the President, are to manage all our concerns with foreign nations; they must understand all their interests and their political systems. This knowledge is not soon acquired—but a very small part is gained in the closet. Is it desirable, then, that new and unqualified members should be continually thrown into that body? When public bodies are engaged in the exercise of general powers, you cannot judge of the propriety of their conduct but from the result of their systems. They may be forming plans which require time and diligence to bring to maturity. It is necessary, therefore, that they should have a considerable and fixed duration, that they may make their calculations accordingly. If they are to be perpetually fluctuating they can never have that responsibility which is so important in republican governments. In bodies subject to frequent changes, great political plans must be conducted by members in succession; a single assembly can have but a partial agency in them, and consequently cannot properly be answerable for the final event. Considering the Senate, therefore, with a view to responsibility, duration is a very interesting and essential quality. There is another view in which duration in the Senate appears necessary. A government, changeable in its policy, must soon lose its sense of national character, and forfeit the respect of foreigners. Senators will not be solicitous for the reputation of public measures in which they have had but a temporary concern, and will feel lightly the burden of public disapprobation in proportion to the number of those who partake of the censure. Our political rivals will ever consider our mutable counsels as evidence of deficient wisdom, and will be little apprehensive of our arriving at any exalted station in the scale of power. Such are the internal and external disadvantages which would result from the principle contended for. Were it admitted, I am fully persuaded, sir, that prejudices would govern the public deliberations, and passions rage in the councils of the Union. If it were necessary, I could illustrate

my subject by historical facts; I could travel through an extensive field of detail, and demonstrate that wherever the fatal principle of—the head suffering the control of the members, has operated, it has proved a fruitful source of commotions and disorder.

This, sir, is the first fair opportunity that has been offered of deliberately correcting the errors in government. Instability has been a prominent and very defective feature in most republican systems. It is the first to be seen and the last to be lamented by a philosophical inquirer. It has operated most banefully in our infant republics. It is necessary that we apply an immediate remedy, and eradicate the poisonous principle from our government. If this be not done, sir, we shall feel, and posterity will be convulsed by a painful malady.

[On the 25th, Mr. Hamilton continued his remarks upon the same subject.]

Mr. Chairman: In debates of this kind it is extremely easy, on either side, to say a great number of plausible things. It is to be acknowledged that there is even a certain degree of truth in the reasonings on both sides. In this situation it is the province of judgment and good-sense to determine their force and application, and how far the arguments advanced on one side are balanced by those on the other. The ingenious dress in which both may appear renders it a difficult task to make this decision, and the mind is frequently unable to come to a safe and solid conclusion. On the present question, some of the principles on each side are admitted, and the conclusions drawn from them denied, while other principles, with their inferences, are rejected altogether. It is the business of the committee to seek the truth in this labyrinth of argument.

There are two objects in forming systems of government—safety for the people and energy in the administration. When these objects are united, the certain tendency of the system will be to the public welfare. If the latter object be neglected, the people's security will be as certainly sacrificed as by disregarding the former. Good constitutions are formed upon a comparison of the liberty of the individual with the strength of government; if the tone of either be too high, the other will be weakened too much. It is the happiest possible mode of con-

ciliating these objects to institute one branch peculiarly endowed with sensibility, another with knowledge and firmness. Through the opposition and mutual control of these bodies, the government will reach, in its operations, the perfect balance between liberty and power. The arguments of the gentlemen chiefly apply to the former branch—the House of Representatives. If they will calmly consider the different nature of the two branches, they will see that the reasoning which justly applies to the representative House will go to destroy the essential qualities of the Senate. If the former is calculated perfectly upon the principles of caution, why should you impose the same principles upon the latter, which is designed for a different operation? Gentlemen, while they discover a laudable anxiety for the safety of the people, do not attend to the important distinction I have drawn. We have it constantly held up to us, that as it is our chief duty to guard against tyranny, it is our policy to form all the branches of government for this purpose. Sir, it is a truth sufficiently illustrated by experience, that when the people act by their representatives they are commonly irresistible. The gentleman admits the position that stability is essential to the government, and yet enforces principles which, if true, ought to banish stability from the system. The gentleman observes that there is a fallacy in my reasoning, and informs us that the legislatures of the States, not the people, are to appoint the senators. Does he reflect that they are the immediate agents of the people—that they are so constituted as to feel all their prejudices and passions, and to be governed, in a great degree, by their misapprehensions? Experience must have taught him the truth of this. Look through their history; what factions have arisen from the most trifling causes—what intrigues have been practised for the most illiberal purposes! Is not the State of Rhode Island at this moment struggling under difficulties and distresses, for having been led blindly by the spirit of the multitude? What is her legislature but the picture of a mob? In this State we have a Senate possessed of the proper qualities of a permanent body; Virginia, Maryland, and a few other States are in the same situation; the rest are either governed by a single democratic assembly, or have a Senate constituted entirely upon democratic principles. These have been, more or less, embroiled in factions, and have gen-

erally been the image and echo of the multitude. It is difficult to reason on this point without touching on certain delicate chords. I could refer you to periods and conjunctures when the people have been governed by improper passions and led by factious and designing men. I could show that the same passions have infected their representatives. Let us beware that we do not make the State legislatures a vehicle in which the evil humors may be conveyed into the national system. To prevent this, it is necessary that the Senate should be so formed as, in some measure, to check the State governments, and preclude the communication of the false impressions which they receive from the people. It has been often repeated, that the legislatures of the States can have only a partial and confined view of national affairs; that they can form no proper estimate of great objects which are not in the sphere of their interests. The observation of the gentleman, therefore, cannot take off the force of my argument.

Sir, the senators will constantly be attended with a reflection that their future existence is absolutely in the power of the States. Will not this form a powerful check? It is a reflection which applies closely to their feelings and interests, and no candid man, who thinks deliberately, will deny that it would be alone a sufficient check. The legislatures are to provide the mode of electing the President, and must have a great influence over the electors. Indeed, they convey their influence through a thousand channels into the general government. Gentlemen have endeavored to show that there will be no clashing of local and general interests; they do not seem to have sufficiently considered the subject. We have in this State a duty of sixpence per pound on salt, and it operates lightly and with advantage; but such a duty would be very burdensome to some of the States. If Congress should, at any time, find it convenient to impose a salt tax, would it not be opposed by the Eastern States? Being themselves incapable of feeling the necessity of the measure, they could only feel its apparent injustice. Would it be wise to give the New England States a power to defeat this measure, by recalling their Senators who may be engaged for it? I beg the gentlemen once more to attend to the distinction between the real and apparent interests of the States. I admit that the aggregate of individuals constitutes the government;

yet every State is not the government; every petty district is not the government. Sir, in our State legislatures, a compromise is frequently necessary between the interests of counties; the same must happen in the general government between States. In this the few must yield to the many; or, in other words, the particular must be sacrificed to the general interest. If the members of Congress are too dependent on the State legislatures, they will be eternally forming secret combinations from local views. This is reasoning from the plainest principles. Their interest is interwoven with their dependence, and they will necessarily yield to the impression of their situation. Those who have been in Congress have seen these operations. The first question has been, How will such a measure affect my constituents, and consequently, how will the part I take effect my re-election? This consideration may be, in some degree, proper; but to be dependent from day to day, and to have the idea perpetually present, would be the source of innumerable evils. Six years, sir, is a period short enough for a proper degree of dependence. Let us consider the peculiar state of this body, and see under what impressions they will act. One-third of them are to go out at the end of two years, two-thirds in four years, and the whole in six years. When one year is elapsed there will be a number who are to hold their places for one year, others for three, and others for five years. Thus, there will not only be a constant and frequent change of members, but there will be some whose office is near the point of expiration, and who, from this circumstance, will have a lively sense of their dependence. The biennial change of members is an excellent invention for increasing the difficulty of combination. Any scheme of usurpation will lose, every two years, a number of its oldest advocates, and their places will be supplied by an equal number of new, unaccommodating, and virtuous men. When two principles are equally important, we ought, if possible, to reconcile them, and sacrifice neither. We think that safety and permanency in this Government are completely reconcilable. The State governments will have, from the causes I have described, a sufficient influence over the Senate, without the check for which the gentlemen contend.

It has been remarked that there is an inconsistency in our admitting that the equal votes in the Senate were given to se-

cure the rights of the States; and, at the same time, holding up the idea that their interests should be sacrificed to those of the Union. But the committee certainly perceive the distinction between the rights of the State and its interests. The rights of a State are defined by the constitution, and cannot be invaded without a violation of it; but the interests of a State have no connection with the constitution, and may be in a thousand instances constitutionally sacrificed. An uniform tax is perfectly constitutional, and yet it may operate oppressively upon certain members of the Union. The gentlemen are afraid that the State governments will be abolished. But, sir, their existence does not depend upon the laws of the United States. Congress can no more abolish the State governments than they can dissolve the Union. The whole constitution is repugnant to it, and yet the gentlemen would introduce an additional useless provision against it. It is proper that the influence of the States should prevail to a certain extent. But shall the individual States be the judges how far? Shall an unlimited power be left them to determine in their own favor? The gentlemen go into the extreme; instead of a wise government, they would form a fantastical Utopia. But, sir, while they give it a plausible, popular shape, they would render it impracticable. Much has been said about factions. As far as my observation has extended, factions in Congress have arisen from attachment to State prejudices. We are attempting by this constitution to abolish factions, and to unite all parties for the general welfare. That a man should have the power in private life of recalling his agent is proper, because, in the business in which he is engaged, he has no other object but to gain the approbation of his principal. Is this the case with the Senator? Is he simply the agent of the State? No; he is an agent for the Union, and he is bound to perform services necessary to the good of the whole, though his State should condemn them.

Sir, in contending for a rotation, the gentlemen carry their zeal beyond all reasonable bounds. I am convinced that no government, founded on this feeble principle, can operate well. I believe also, that we shall be singular in this proposal. We have not felt the embarrassments resulting from rotation, that other States have; and we hardly know the strength of their objections to it. There is no probability that we shall ever per-

suade a majority of the States to agree to this amendment. The gentlemen deceive themselves. The amendment would defeat their own design. When a man knows he must quit his station, let his merit be what it may, he will turn his attention chiefly to his own emolument; nay, he will feel temptations, which few other situations furnish, to perpetuate his power by unconstitutional usurpations. Men will pursue their interests. It is as easy to change human nature as to oppose the strong current of the selfish passions. A wise legislator will gently divert the channel, and direct it, if possible, to the public good.

It has been observed that it is not possible there should be in a State only two men qualified for Senators. But, sir, the question is not whether there may be no more than two men, but whether, in certain emergencies, you could find two equal to those whom the amendment would discard. Important negotiations, or other business to which they shall be most competent, may employ them at the moment of their removal. These things often happen. The difficulty of obtaining men capable of conducting the affairs of a nation in dangerous times, is much more serious than the gentlemen imagine.

As to corruption, sir, admitting in the President a disposition to corrupt, what are the instruments of bribery? It is said, he will have in his disposal a great number of offices. But how many offices are there for which a man would relinquish the senatorial dignity? There may be some in the judicial, and some in other principal departments. But there are few, whose respectability can in any measure balance that of the office of Senator. Men who have been in the Senate once, and who have a reasonable hope of a re-election, will not be easily bought by offices. This reasoning shows that a rotation would be productive of many disadvantages—under particular circumstances it might be extremely inconvenient, if not fatal to the prosperity of our country.

THE BRITISH TREATY

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BY

FISHER AMES

FISHER AMES

1758—1808

Fisher Ames, born at Dedham, Mass., in 1758, was but a boy when the Revolution began, and can hardly be classed among the colonial orators; a boy of seventeen, though he be already a graduate of Harvard, cannot be expected to address a political gathering effectively. But Ames, who had but fifty years to live, seemed bound to make the best of his time; his precocity was remarkable, and the work he did insured him remembrance. After leaving Harvard in 1774 with a high record as a student, he began the study of law, and was admitted to practice in 1781. He was now three-and-twenty, a fine classical scholar, and devoted to the investigation of political science. Meanwhile his forensic practice developed a marked talent for oratory, which his scholarship rendered comparable in quality with that of the great masters of eloquence on the other side of the Atlantic. Such ability could not fail to find its use in a new community; and Ames's name is found among the members of the Massachusetts ratifying committee in 1788; and the following year he was elected a federal member of Congress from Massachusetts, and retained his seat for eight years. During all these years, Ames was a frequent speaker; and at times his eloquence rose to such a pitch that, as when Sheridan made his famous speech against Warren Hastings, an adjournment was taken, in order that his hearers might recover somewhat from the too potent spell of his words. Those words might not produce so deep an effect to-day; they belonged to what we would consider the flowery style of oratory; and the growth among us of what is known as the sense of humor, or the inability to take the world *au grand sérieux,* makes such flights no longer possible. But people were still very serious and earnest in the republic during Washington's two administrations, and Ames spoke to sympathetic ears. His oration on "The British Treaty," is a worthy example of his style, showing, as it does, an intimate knowledge of political and economic issues.

An imaginative and cultured scholar, such as he, was sure to be chosen to pronounce eulogies, and similar addresses, where the ornaments of fancy and learning are in their proper place. Accordingly, Ames was chosen to deliver the funeral oration over Washington; and seldom in the history of our country has so great an opportunity been offered to speak immortal words. It cannot be affirmed that Ames was the one of all our orators, past or to come, that we would pick out for so lofty a commission; but the choice was a good one at the time, and he acquitted himself with abundant credit.

In 1804, his Alma Mater, having regard to the distinction and fair fame of her eminent son, offered him the presidency of the institution; but Ames, though but forty-six years of age, already began to feel the approach of the end, and was obliged to decline the honor. He retired from active public life; but continued to write at times. He was the author of "Laocoon and Other Essays," designed to stimulate opposition to France. He died in 1808.

THE BRITISH TREATY*

MR. CHAIRMAN: I entertain the hope, perhaps, a rash one, that my strength will hold me out to speak a few minutes.

In my judgment, a right decision will depend more on the temper and manner, with which we may prevail upon ourselves to contemplate the subject, than upon the development of any profound political principles, or any remarkable skill in the application of them. If we could succeed to neutralize our inclinations, we should find less difficulty than we have to apprehend in surmounting all our objections.

The suggestion, a few days ago, that the House manifested symptoms of heat and irritation, was made and retorted as if the charge ought to create surprise, and would convey reproach. Let us be more just to ourselves, and to the occasion. Let us not affect to deny the existence and the intrusion of some portion of prejudice and feeling into the debate, when, from the very structure of our nature, we ought to anticipate the circumstance as a probability, and when we are admonished by the evidence of our senses that it is the fact.

How can we make professions for ourselves, and offer exhortations to the House, that no influence should be felt but that of duty, and no guide respected but that of the understanding, while the peal to rally every passion of man is continually ringing in our ears?

Our understandings have been addressed, it is true, and with ability and effect; but, I demand, has any corner of the heart been left unexplored? It has been ransacked to find auxiliary arguments, and, when that attempt failed, to awaken the sensi-

* A treaty of amity, commerce, and navigation, between the United States and Great Britain, was concluded on November 19, 1794. Subsequently it was ratified by the President. On March 2, 1796, the President proclaimed it the law of the land, and the same day communicated it to the House of Representatives. On the twenty-eighth of April following, Mr. Ames, in Committee on the Whole, spoke on the subjoined resolution: "Resolved, as the opinion of this committee, that it is expedient to pass the laws necessary for carrying into effect the treaty with Great Britain."

bilities that would require none. Every prejudice and feeling has been summoned to listen to some peculiar style of address; and yet we seem to believe, and to consider a doubt as an affront, that we are strangers to any influence but that of unbiassed reason.

It would be strange, that a subject, which has roused in turn all the passions of the country, should be discussed without the interference of any of our own. We are men, and therefore not exempt from those passions; as citizens and representatives, we feel the interests that must excite them. The hazard of great interests cannot fail to agitate strong passions. We are not disinterested; it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and, for a time, pervert the understanding. But the public sensibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the discussion, and its judgment, often hasty and erroneous on first impressions, has become solid and enlightened at last. Our result will, I hope, on that account, be the safer and more mature, as well as more accordant with that of the nation. The only constant agents in political affairs are the passions of men. Shall we complain of our nature—shall we say that man ought to have been made otherwise? It is right already, because He, from whom we derive our nature, ordained it so; and because thus made and thus acting, the cause of truth and the public good is the more surely promoted.

But an attempt has been made to produce an influence of a nature more stubborn, and more unfriendly to truth. It is very unfairly pretended, that the constitutional right of this House is at stake, and to be asserted and preserved only by a vote in the negative. We hear it said that this is a struggle for liberty, a manly resistance against the design to nullify this assembly, and to make it a cipher in the government; that the President and Senate, the numerous meetings in the cities, and the influence of the general alarm of the country, are the agents and instruments of a scheme of coercion and terror, to force the treaty down our throats, though we loathe it, and in spite of the clearest convictions of duty and conscience.

It is necessary to pause here and inquire, whether sugges-

tions of this kind be not unfair in their very texture and fabric, and pernicious in all their influences. They oppose an obstacle in the path of inquiry, not simply discouraging, but absolutely insurmountable. They will not yield to argument; for as they were not reasoned up, they cannot be reasoned down. They are higher than a Chinese wall in truth's way, and built of materials that are indestructible. While this remains, it is vain to argue: it is vain to say to this mountain, Be thou cast into the sea. For, I ask of the men of knowledge of the world, whether they would not hold him for a blockhead, that should hope to prevail in an argument, whose scope and object is to mortify the self-love of the expected proselyte? I ask further, when such attempts have been made, have they not failed of success? The indignant heart repels a conviction that is believed to debase it.

The self-love of an individual is not warmer in its sense, nor more constant in its action, than what is called in French, *l'esprit du corps,* or the self-love of an assembly; that jealous affection which a body of men is always found to bear towards its own prerogatives and power. I will not condemn this passion. Why should we urge an unmeaning censure, or yield to groundless fears that truth and duty will be abandoned, because men in a public assembly are still men, and feel that *esprit du corps* which is one of the laws of their nature? Still less should we despond or complain, if we reflect, that this very spirit is a guardian instinct, that watches over the life of this assembly. It cherishes the principle of self-preservation, and without its existence, and its existence with all the strength we see it possess, the privileges of the representatives of the people, and mediately the liberties of the people, would not be guarded, as they are, with a vigilance that never sleeps, and an unrelaxing constancy and courage.

If the consequences, most unfairly attributed to the vote in the affirmative, were not chimerical, and worse, for they are deceptive, I should think it a reproach to be found even moderate in my zeal, to assert the constitutional powers of this assembly; and whenever they shall be in real danger, the present occasion affords proof that there will be no want of advocates and champions.

Indeed, so prompt are these feelings, and when once roused,

so difficult to pacify, that if we could prove the alarm was groundless, the prejudice against the appropriations may remain on the mind, and it may even pass for an act of prudence and duty to negative a measure, which was lately believed by ourselves, and may hereafter be misconceived by others, to encroach upon the powers of the House. Principles that bear a remote affinity with usurpation on those powers will be rejected, not merely as errors, but as wrongs. Our sensibilities will shrink from a post, where it is possible they may be wounded, and be inflamed by the slightest suspicion of an assault.

While these prepossessions remain, all argument is useless. It may be heard with the ceremony of attention, and lavish its own resources, and the patience it wearies, to no manner of purpose. The ears may be open, but the mind will remain locked up, and every pass to the understanding guarded.

Unless, therefore, this jealous and repulsive fear for the rights of the House can be allayed, I will not ask a hearing.

I cannot press this topic too far; I cannot address myself with too much emphasis to the magnanimity and candor of those who sit here, to suspect their own feelings, and, while they do, to examine the grounds of their alarm. I repeat it, we must conquer our persuasion, that this body has an interest in one side of the question more than the other, before we attempt to surmount our objections. On most subjects, and solemn ones too, perhaps in the most solemn of all, we form our creed more from inclination than evidence.

Let me expostulate with gentlemen to admit, if it be only by way of supposition, and for a moment, that it is barely possible they have yielded too suddenly to their alarms for the powers of this House; that the addresses, which have been made with such variety of forms, and with so great dexterity in some of them, to all that is prejudice and passion in the heart, are either the effects or the instruments of artifice and deception, and then let them see the subject once more in its singleness and simplicity.

It will be impossible, on taking a fair review of the subject, to justify the passionate appeals that have been made to us to struggle for our liberties and rights, and the solemn exhortations to reject the proposition, said to be concealed in that on your table, to surrender them forever. In spite of this mock

solemnity, I demand, if the House will not concur in the measure to execute the treaty, what other course shall we take? How many ways of proceeding lie open before us?

In the nature of things there are but three; we are either to make the treaty, to observe it, or break it. It would be absurd to say we will do neither. If I may repeat a phrase already so much abused, we are under coercion to do one of them, and we have no power, by the exercise of our discretion, to prevent the consequences of a choice.

By refusing to act, we choose. The treaty will be broken and fall to the ground. Where is the fitness, then, of replying to those who urge upon the House the topics of duty and policy, that they attempt to force the treaty down, and to compel this assembly to renounce its discretion and to degrade itself to the rank of a blind and passive instrument in the hands of the treaty-making power? In case we reject the appropriation, we do not secure any greater liberty of action, we gain no safer shelter than before from the consequences of the decision. Indeed, they are not to be evaded. It is neither just nor manly to complain that the treaty-making power has produced this coercion to act. It is not the art or the despotism of that power, it is the nature of things that compels. Shall we, dreading to become the blind instruments of power, yield ourselves the blinder dupes of mere sounds of imposture? Yet that word, that empty word, coercion, has given scope to an eloquence, that, one would imagine, could not be tired, and did not choose to be quieted.

Let us examine still more in detail the alternatives that are before us, and we shall scarcely fail to see, in still stronger lights, the futility of our apprehensions for the power and liberty of the House.

If, as some have suggested, the thing called a treaty is incomplete, if it has no binding force or obligation, the first question is, will this House complete the instrument, and, by concurring, impart to it that force which it wants?

The doctrine has been avowed, that the treaty, though formally ratified by the executive power of both nations, though published as a law for our own by the President's proclamation, is still a mere proposition submitted to this assembly, no way distinguishable in point of authority or obligation, from a mo-

tion for leave to bring in a bill, or any other original act of ordinary legislation. This doctrine, so novel in our country, yet so dear to many, precisely for the reason, that in the contention for power, victory is always dear, is obviously repugnant to the very terms as well as the fair interpretation of our own resolutions—(Mr. Blount's). We declare, that the treaty-making power is exclusively vested in the President and Senate, and not in this House. Need I say, that we fly in the face of that resolution, when we pretend, that the acts of that power are not valid until we have concurred in them? It would be nonsense, or worse, to use the language of the most glaring contradiction, and to claim a share in a power, which we at the same time disclaim as exclusively vested in other departments.

What can be more strange than to say, that the compacts of the President and Senate with foreign nations are treaties, without our agency, and yet those compacts want all power and obligation, until they are sanctioned by our concurrence? It is not my design in this place, if at all, to go into the discussion of this part of the subject. I will, at least for the present, take it for granted, that this monstrous opinion stands in little need of remark, and if it does, lies almost out of the reach of refutation.

But, say those who hide the absurdity under the cover of ambiguous phrases, have we no discretion? and if we have, are we not to make use of it in judging of the expediency or inexpediency of the treaty? Our resolution claims that privilege, and we cannot surrender it without equal inconsistency and breach of duty.

If there be any inconsistency in the case, it lies, not in making the appropriations for the treaty, but in the resolution itself—(Mr. Blount's). Let us examine it more nearly. A treaty is a bargain between nations, binding in good faith; and what makes a bargain? The assent of the contracting parties. We allow that the treaty power is not in this House; this House has no share in contracting, and is not a party; of consequence, the President and Senate alone may make a treaty that is binding in good faith. We claim, however, say the gentlemen, a right to judge of the expediency of treaties; that is the constitutional province of our discretion. Be it so. What follows? Treaties, when adjudged by us to be inexpedient, fall to the ground,

and the public faith is not hurt. This, incredible and extravagant as it may seem, is asserted. The amount of it, in plainer language, is this—the President and Senate are to make national bargains, and this House has nothing to do in making them. But bad bargains do not bind this House, and, of inevitable consequence, do not bind the nation. When a national bargain, called a treaty, is made, its binding force does not depend upon the making, but upon our opinion that it is good. As our opinion on the matter can be known and declared only by ourselves, when sitting in our legislative capacity, the treaty, though ratified, and, as we choose to term it, made, is hung up in suspense, till our sense is ascertained. We condemn the bargain, and it falls, though, as we say, our faith does not. We approve a bargain as expedient, and it stands firm, and binds the nation. Yet, even in this latter case, its force is plainly not derived from the ratification by the treaty-making power, but from our approbation. Who will trace these inferences, and pretend that we have no share, according to the argument, in the treaty-making power? These opinions, nevertheless, have been advocated with infinite zeal and perseverance. Is it possible that any man can be hardy enough to avow them and their ridiculous consequences?

Let me hasten to suppose the treaty is considered as already made, and then the alternative is fairly presented to the mind, whether we will observe the treaty or break it. This, in fact, is the naked question.

If we choose to observe it with good faith, our course is obvious. Whatever is stipulated to be done by the nation, must be complied with. Our agency, if it should be requisite, cannot be properly refused. And I do not see why it is not as obligatory a rule of conduct for the legislative as for the courts of law,

I cannot lose this opportunity to remark, that the coercion, so much dreaded and declaimed against, appears at length to be no more than the authority of principles, the despotism of duty. Gentlemen complain we are forced to act in this way, we are forced to swallow the treaty. It is very true, unless we claim the liberty of abuse, the right to act as we ought not. There is but one right way open for us, the laws of morality and good faith have fenced up every other. What sort of liberty is that, which we presume to exercise against the authority of those

laws? It is for tyrants to complain, that principles are restraints, and that they have no liberty, so long as their despotism has limits. These principles will be unfolded by examining the remaining question:

Shall we break the treaty?

The treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamor of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places, it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-preservation is the first law of society, as well as of individuals. It would, perhaps, be deemed an abuse of terms to call that a treaty, which violates such a principle. I waive also, for the present, any inquiry, what departments shall represent the nation, and annul the stipulations of a treaty. I content myself with pursuing the inquiry, whether the nature of this compact be such as to justify our refusal to carry it into effect. A treaty is the promise of a nation. Now, promises do not always bind him that makes them.

But I lay down two rules, which ought to guide us in this case. The treaty must appear to be bad, not merely in the petty details, but in its character, principle, and mass. And in the next place, this ought to be ascertained by the decided and general concurrence of the enlightened public. I confess there seems to me something very like ridicule thrown over the debate by the discussion of the articles in detail.

The undecided point is, shall we break our faith? And while our country and enlightened Europe await the issue with more than curiosity, we are employed to gather piecemeal, and article by article, from the instrument, a justification for the deed by trivial calculations of commercial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof; it brings it. Extremes speak for themselves and make their own law.

What if the direct voyage of American ships to Jamaica with horses or lumber, might net one or two per centum more than the present trade to Surinam; would the proof of the fact avail anything in so grave a question as the violation of the public engagements?

It is in vain to allege, that our faith, plighted to France, is violated by this new treaty. Our prior treaties are expressly saved from the operation of the British treaty. And what do those mean who say, that our honor was forfeited by treating at all, and especially by such a treaty? Justice, the laws and practice of nations, a just regard for peace as a duty to mankind, and the known wish of our citizens, as well as that self-respect which required it of the nation to act with dignity and moderation, all these forbade an appeal to arms, before we had tried the effect of negotiation. The honor of the United States was saved, not forfeited, by treating. The treaty itself, by its stipulations for the posts, for indemnity, and for a due observation of our neutral rights, has justly raised the character of the nation. Never did the name of America appear in Europe with more lustre than upon the event of ratifying this instrument. The fact is of a nature to overcome all contradiction.

But the independence of the country—we are colonists again. This is the cry of the very men who tell us, that France will resent our exercise of the rights of an independent nation to adjust our wrongs with an aggressor, without giving her the opportunity to say, those wrongs shall subsist and shall not be adjusted. This is an admirable specimen of the spirit of independence. The treaty with Great Britain, it cannot be denied, is unfavorable to this strange sort of independence.

Few men of any reputation for sense, among those who say the treaty is bad, will put that reputation so much at hazard as to pretend that it is so extremely bad as to warrant and require a violation of the public faith. The proper ground of the controversy, therefore, is really unoccupied by the opposers of the treaty; as the very hinge of the debate is on the point, not of its being good or otherwise, but whether it is intolerably and fatally pernicious. If loose and ignorant declaimers have anywhere asserted the latter idea, it is too extravagant, and too solidly refuted, to be repeated here. Instead of any attempt to expose it still further, I will say, and I appeal with confidence

to the candor of many opposers of the treaty to acknowledge, that if it had been permitted to go into operation silently, like our other treaties, so little alteration of any sort would be made by it in the great mass of our commercial and agricultural concerns, that it would not be generally discovered by its effects to be in force, during the term for which it was contracted. I place considerable reliance on the weight men of candor will give to this remark, because I believe it to be true, and little short of undeniable. When the panic dread of the treaty shall cease, as it certainly must, it will be seen through another medium. Those, who shall make search into the articles for the cause of their alarms, will be so far from finding stipulations that will operate fatally, they will discover few of them that will have any lasting operation at all. Those, which relate to the disputes between the two countries, will spend their force on the subjects in dispute, and extinguish them. The commercial articles are more of a nature to confirm the existing state of things, than to change it. The treaty alarm was purely an address to the imagination and prejudices of the citizens, and not on that account the less formidable. Objections that proceed upon error, in fact or calculation, may be traced and exposed; but such as are drawn from the imagination or addressed to it, elude definition, and return to domineer over the mind, after having been banished from it by truth.

I will not so far abuse the momentary strength that is lent to me by the zeal of the occasion, as to enlarge upon the commercial operation of the treaty. I proceed to the second proposition, which I have stated as indispensably requisite to a refusal of the performance of a treaty—will the state of public opinion justify the deed?

No Government, not even a despotism, will break its faith without some pretext, and it must be plausible, it must be such as will carry the public opinion along with it. Reasons of policy, if not of morality, dissuade even Turkey and Algiers from breaches of treaty in mere wantonness of perfidy, in open contempt of the reproaches of their subjects. Surely, a popular Government will not proceed more arbitrarily, as it is more free; nor with less shame or scruple in proportion as it has better morals. It will not proceed against the faith of treaties at all, unless the strong and decided sense of the nation shall pro-

nounce, not simply that the treaty is not advantageous, but that it ought to be broken and annulled. Such a plain manifestation of the sense of the citizens is indispensably requisite; first, because if the popular apprehensions be not an infallible criterion of the disadvantages of the instrument, their acquiescence in the operation of it is an irrefragable proof, that the extreme case does not exist, which alone could justify our setting it aside.

In the next place, this approving opinion of the citizens is requisite, as the best preventive of the ill consequences of a measure always so delicate, and often so hazardous. Individuals would, in that case, at least, attempt to repel the opprobrium that would be thrown upon Congress by those who will charge it with perfidy. They would give weight to the testimony of facts, and the authority of principles, on which the Government would rest its vindication. And if war should ensue upon the violation, our citizens would not be divided from their Government, nor the ardor of their courage be chilled by the consciousness of injustice, and the sense of humiliation, that sense which makes those despicable who know they are despised.

I add a third reason, and with me it has a force that no words of mine can augment, that a Government, wantonly refusing to fulfil its engagements, is the corrupter of its citizens. Will the laws continue to prevail in the hearts of the people, when the respect that gives them efficacy is withdrawn from the legislators? How shall we punish vice while we practise it? We have not force, and vain will be our reliance, when we have forfeited the resources of opinion. To weaken government and to corrupt morals are effects of a breach of faith not to be prevented; and from effects they become causes, producing, with augmented activity, more disorder and more corruption; order will be disturbed and the life of the public liberty shortened.

And who, I would inquire, is hardy enough to pretend, that the public voice demands the violation of the treaty? The evidence of the sense of the great mass of the nation is often equivocal; but when was it ever manifested with more energy and precision than at the present moment? The voice of the people is raised against the measure of refusing the appropriations.

If gentlemen should urge, nevertheless, that all this sound of alarm is a counterfeit expression of the sense of the public, I will proceed to other proofs. If the treaty is ruinous to our commerce, what has blinded the eyes of the merchants and traders? Surely they are not enemies to trade, or ignorant of their own interests. Their sense is not so liable to be mistaken as that of a nation, and they are almost unanimous. The articles, stipulating the redress of our injuries by captures on the sea, are said to be delusive. By whom is this said? The very men, whose fortunes are staked upon the competency of that redress, say no such thing. They wait with anxious fear lest you should annul that compact on which all their hopes are rested.

Thus we offer proof, little short of absolute demonstration, that the voice of our country is raised not to sanction, but to deprecate the non-performance of our engagements. It is not the nation, it is one, and but one branch of the Government that proposes to reject them. With this aspect of things, to reject is an act of desperation.

I shall be asked, why a treaty so good in some articles, and so harmless in others, has met with such unrelenting opposition; and how the clamors against it from New Hampshire to Georgia can be accounted for? The apprehensions so extensively diffused, on its first publication, will be vouched as proof, that the treaty is bad, and that the people hold it in abhorrence.

I am not embarrassed to find the answer to this insinuation. Certainly a foresight of its pernicious operation, could not have created all the fears that were felt or affected. The alarm spread faster than the publication of the treaty. There were more critics than readers. Besides, as the subject was examined, these fears have subsided.

The movements of passion are quicker than those of the understanding. We are to search for the causes of first impressions, not in the articles of this obnoxious and misrepresented instrument, but in the state of the public feeling.

The fervor of the revolutionary war had not entirely cooled, nor its controversies ceased, before the sensibilities of our citizens were quickened with a tenfold vivacity, by a new and extraordinary subject of irritation. One of the two great

nations of Europe underwent a change which has attracted all our wonder, and interested all our sympathies. Whatever they did, the zeal of many went with them, and often went to excess. These impressions met with much to inflame, and nothing to restrain them. In our newspapers, in our feasts, and some of our elections, enthusiasm was admitted a merit, a test of patriotism, and that made it contagious. In the opinion of party, we could not love or hate enough. I dare say, in spite of all the obloquy it may provoke, we were extravagant in both. It is my right to avow that passions so impetuous, enthusiasm so wild, could not subsist without disturbing the sober exercise of reason, without putting at risk the peace and precious interests of our country. They were hazarded. I will not exhaust the little breath I have left, to say how much, nor by whom, or by what means they were rescued from the sacrifice. Shall I be called upon to offer my proofs? They are here, they are everywhere. No one has forgotten the proceedings of 1794.[1] No one has forgotten the captures of our vessels, and the imminent danger of war. The nation thirsted not merely for reparation, but vengeance. Suffering such wrongs, and agitated by such resentments, was it in the power of any words of compact, or could any parchment with its seals prevail at once to tranquillize the people? It was impossible. Treaties in England are seldom popular, and least of all when the stipulations of amity succeed to the bitterness of hatred. Even the best treaty, though nothing be refused, will choke resentment, but not satisfy it. Every treaty is as sure to disappoint extravagant expectations as to disarm extravagant passions. Of the latter, hatred is one that

[1] Soon after France declared war against England, Citizen Genet was despatched to the United States for the purpose, as appears by his instructions, of engaging them to take part in the war, and in case the Government, from motives of prudence and a desire to remain in peace, could not be enlisted, the people were to be stirred up.

Citizen Genet commenced his operations at the place of his landing, and by his own agency and that of his partisans every convenient means was employed through all the States, to produce distrust and confusion among our citizens. During this disgraceful contest between this foreign agent and our executive, the public opinion for a time hung doubtful and undecided—to the honor of our country, virtue and good sense ultimately triumphed over this incendiary.

The revolutionary labors of Citizen Genet were performed in the spring and summer of 1793; his instructions were probably early known in England, and the hostility towards that country, which appeared throughout the United States, together with the numerous equipments in our ports of privateers under French commissions, must naturally have produced an opinion in the British Cabinet that the United States would ultimately engage in the war on the side of France. The orders of the sixth of November, and the speech of Lord Dorchester to the Indians, are accounted for by supposing the existence of this opinion in England.

takes no bribes. They who are animated by the spirit of revenge, will not be quieted by the possibility of profit.

Why do they complain, that the West Indies are not laid open? Why do they lament, that any restriction is stipulated on the commerce of the East Indies? Why do they pretend, that if they reject this, and insist upon more, more will be accomplished? Let us be explicit—more would not satisfy. If all was granted, would not a treaty of amity with Great Britain still be obnoxious? Have we not this instant heard it urged against our envoy, that he was not ardent enough in his hatred of Great Britain? A treaty of amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman, at the same instant, repeats a very prevailing objection, that no treaty should be made with the enemy of France. No treaty, exclaim others, should be made with a monarch or a despot; there will be no naval security while those sea-robbers domineer on the ocean; their den must be destroyed; that nation must be extirpated.

I like this, sir, because it is sincerity. With feelings such as these, we do not pant for treaties. Such passions seek nothing, and will be content with nothing, but the destruction of their object. If a treaty left King George his island, it would not answer; not if he stipulated to pay rent for it. It has been said, the world ought to rejoice if Britain was sunk in the sea; if where there are now men and wealth and laws and liberty, there was no more than a sandbank for the sea-monsters to fatten on; a space for the storms of the ocean to mingle in conflict.

I object nothing to the good sense or humanity of all this. I yield the point, that this is a proof that the age of reason is in progress. Let it be philanthropy, let it be patriotism, if you will, but it is no indication that any treaty would be approved. The difficulty is not to overcome the objections to the terms; it is to restrain the repugnance to any stipulations of amity with the party.

Having alluded to the rival of Great Britain, I am not unwilling to explain myself; I affect no concealment, and I have practised none. While those two great nations agitate Europe with their quarrels, they will both equally desire, and with any chance of success, equally endeavor to create an influence in America. Each will exert all its arts to range our

strength on its own side. How is this to be effected? Our Government is a democratical republic. It will not be disposed to pursue a system of politics, in subservience to either France or England, in opposition to the general wishes of the citizens; and, if Congress should adopt such measures, they would not be pursued long, nor with much success. From the nature of our Government, popularity is the instrument of foreign influence. Without it, all is labor and disappointment. With that mighty auxiliary, foreign intrigue finds agents, not only volunteers, but competitors for employment, and anything like reluctance is understood to be a crime. Has Britain this means of influence? Certainly not. If her gold could buy adherents, their becoming such would deprive them of all political power and importance. They would not wield popularity as a weapon, but would fall under it. Britain has no influence, and for the reasons just given, can have none. She has enough; and God forbid she ever should have more. France, possessed of popular enthusiasm, of party attachments, has had, and still has too much influence on our politics—any foreign influence is too much, and ought to be destroyed. I detest the man and disdain the spirit, that can bend to a mean subserviency to the views of any nation. It is enough to be Americans. That character comprehends our duties, and ought to engross our attachments.

But I would not be misunderstood. I would not break the alliance with France; I would not have the connection between the two countries even a cold one. It should be cordial and sincere; but I would banish that influence, which, by acting on the passions of the citizens, may acquire a power over the Government.

It is no bad proof of the merit of the treaty, that, under all these unfavorable circumstances, it should be so well approved. In spite of first impressions, in spite of misrepresentation and party clamor, inquiry has multiplied its advocates; and at last the public sentiment appears to me clearly preponderating to its side.

On the most careful review of the several branches of the treaty, those which respect political arrangements, the spoliations on our trade, and the regulation of commerce, there is little to be apprehended. The evil, aggravated as it is by party,

is little in degree, and short in duration; two years from the end of the European war. I ask, and I would ask the question significantly, what are the inducements to reject the treaty? What great object is to be gained, and fairly gained by it? If, however, as to the merits of the treaty, candor should suspend its approbation, what is there to hold patriotism a moment in balance, as to the violation of it? Nothing; I repeat confidently, nothing. There is nothing before us in that event but confusion and dishonor.

But before I attempt to develop those consequences, I must put myself at ease by some explanation.

Nothing is worse received among men than the confutation of their opinions; and, of these, none are more dear or more vulnerable than their political opinions. To say that a proposition leads to shame and ruin, is almost equivalent to a charge that the supporters of it intend to produce them. I throw myself upon the magnanimity and candor of those who hear me. I cannot do justice to my subject without exposing, as forcibly as I can, all the evils in prospect. I readily admit, that in every science, and most of all in politics, error springs from other sources than the want of sense or integrity. I despise indiscriminate professions of candor and respect. There are individuals opposed to me of whom I am not bound to say anything. But of many, perhaps of a majority of the opposers of the appropriations, it gives me pleasure to declare, they possess my confidence and regard. There are among them individuals for whom I entertain a cordial affection.

The consequences of refusing to make provision for the treaty are not all to be foreseen. By rejecting, vast interests are committed to the sport of the winds. Chance becomes the arbiter of events, and it is forbidden to human foresight to count their number, or measure their extent. Before we resolve to leap into this abyss, so dark and so profound, it becomes us to pause and reflect upon such of the dangers as are obvious and inevitable. If this assembly should be wrought into a temper to defy these consequences, it is vain, it is deceptive, to pretend that we can escape them. It is worse than weakness to say, that as to a public faith our vote has already settled the question. Another tribunal than our own is already erected. The public opinion, not merely of our own country,

but of the enlightened world, will pronounce a judgment that we cannot resist, that we dare not even affect to despise.

Well may I urge it to men who know the worth of character, that it is no trivial calamity to have it contested. Refusing to do what the treaty stipulates shall be done, opens the controversy. Even if we should stand justified at last, a character that is vindicated is something worse than it stood before, unquestioned and unquestionable. Like the plaintiff in an action of slander, we recover a reputation disfigured by invective, and even tarnished by too much handling. In the combat for the honor of the nation it may receive some wounds, which, though they should heal, will leave scars. I need not say, for surely the feelings of every bosom have anticipated, that we cannot guard this sense of national honor, this everlasting fire which alone keeps patriotism warm in the heart, with a sensibility too vigilant and jealous.

If, by executing the treaty, there is no possibility of dishonor, and if, by rejecting, there is some foundation for doubt and for reproach, it is not for me to measure, it is for your own feelings to estimate the vast distance that divides the one side of the alternative from the other.

If, therefore, we should enter on the examination of the question of duty and obligation with some feelings of prepossession, I do not hesitate to say, they are such as we ought to have; it is an after-inquiry to determine whether they are such as ought finally to be resisted.

The resolution (Mr. Blount's) is less explicit than the constitution. Its patrons should have made it more so, if possible, if they had any doubts, or meant the public should entertain none. Is it the sense of that vote, as some have insinuated, that we claim a right, for any cause, or no cause at all but our own sovereign will and pleasure, to refuse to execute, and thereby to annul the stipulations of a treaty—that we have nothing to regard but the expediency or inexpediency of the measure, being absolutely free from all obligation by compact to give it our sanction? A doctrine so monstrous, so shameless, is refuted by being avowed. There are no words you could express it in, that would not convey both confutation and reproach. It would outrage the ignorance of the tenth century to believe, it would baffle the casuistry of a papal council to vindicate. I

venture to say it is impossible; no less impossible than that we should desire to assert the scandalous privilege of being free after we have pledged our honor.

It is doing injustice to the resolution of the House (which I dislike on many accounts) to strain the interpretation of it to this extravagance. The treaty-making power is declared by it to be vested exclusively in the President and Senate. Will any man in his senses affirm that it can be a treaty before it has any binding force or obligation? If it has no binding force upon us, it has none upon Great Britain. Let candor answer, is Great Britain free from any obligation to deliver the posts in June, and are we willing to signify to her that we think so? Is it with that nation a question of mere expediency or inexpediency to do it, and that, too, even after we have done all that depends upon us to give the treaty effect? No sober man believes this. No one, who would not join in condemning the faithless proceedings of that nation, if such a doctrine should be avowed and carried into practice—and why complain, if Great Britain is not bound? There can be no breach of faith where none is plighted. I shall be told that she is bound. Surely it follows, that is she is bound to performance, our nation is under a similar obligation; if both parties be not obliged, neither is obliged, it is no compact, no treaty. This is a dictate of law and common-sense, and every jury in the country has sanctioned it on oath.

It cannot be a treaty and yet no treaty, a bargain, yet no promise; if it is a promise, I am not to read a lecture to show why an honest man will keep his promise.

The reason of the thing, and the words of the resolution of the House, imply that the United States engage their good faith in a treaty. We disclaim, say the majority, the treaty-making power; we of course disclaim (they ought to say) every doctrine that would put a negative upon the doings of that power. It is the prerogative of folly alone to maintain both sides of a proposition.

Will any man affirm the American nation is engaged by good faith to the British nation; but that engagement is nothing to this House? Such a man is not to be reasoned with. Such a doctrine is a coat of mail, that would turn the edge of all the weapons of argument, if they were sharper than a sword. Will

it be imagined the King of Great Britain and the President are mutually bound by the treaty, but the two nations are free?

It is one thing for this House to stand in a position that presents an opportunity to break the faith of America, and another to establish a principle that will justify the deed.

We feel less repugnance to believe that any other body is bound by obligation than our own. There is not a man here who does not say that Great Britain is bound by treaty. Bring it nearer home. Is the Senate bound? Just as much as the House, and no more. Suppose the Senate, as part of the treaty power, by ratifying a treaty on Monday, pledges the public faith to do a certain act. Then, in their ordinary capacity as a branch of the legislature, the Senate is called upon on Tuesday to perform that act, for example, an appropriation of money—is the Senate (so lately under obligation) now free to agree or disagree to the act? If the twenty ratifying senators should rise up and avow these principles, saying, we struggle for liberty, we will not be ciphers, mere puppets, and give their votes accordingly, would not shame blister their tongues, would not infamy tingle in their ears—would not their country, which they had insulted and dishonored, though it should be silent and forgiving, be a revolutionary tribunal, a rack on which their own reflections would stretch them?

This, sir, is a cause that would be dishonored and betrayed, if I contented myself with appealing only to the understanding. It is too cold, and its processes are too slow for the occasion. I desire to thank God, that since he has given me an intellect so fallible, he has impressed upon me an instinct that is sure. On a question of shame and honor, reasoning is sometimes useless, and worse. I feel the decision in my pulse—if it throws no light upon the brain, it kindles a fire at the heart.

It is not easy to deny, it is impossible to doubt, that a treaty imposes an obligation on the American nation. It would be childish to consider the President and Senate obliged, and the nation and the House free. What is the obligation—perfect or imperfect? If perfect, the debate is brought to a conclusion. If imperfect, how large a part of our faith is pawned? Is half our honor put at risk, and is that half too cheap to be redeemed? How long has this hair-splitting subdivision of good faith been discovered, and why has it escaped the researches of the writers

on the law of nations? Shall we add a new chapter to that law, or insert this doctrine as a supplement to, or more properly a repeal of the Ten Commandments?

The principles and the example of the British Parliament have been alleged to coincide with the doctrine of those who deny the obligation of the treaty. I have not had the health to make very laborious researches into this subject. I will, however, sketch my view of it. Several instances have been noticed, but the treaty of Utrecht is the only one that seems to be at all applicable. It has been answered, that the conduct of Parliament in that celebrated example affords no sanction to our refusal to carry the treaty into effect. The obligation of the treaty of Utrecht has been understood to depend on the concurrence of Parliament, as a condition to its becoming of force. If that opinion should, however, appear incorrect, still the precedent proves, not that the treaty of Utrecht wanted obligation, but that Parliament disregarded it; a proof, not of the construction of the treaty-making power, but of the violation of a national engagement. Admitting still further, that the Parliament claimed and exercised its power, not as a breach of faith, but as a matter of constitutional right, I reply, that the analogy between Parliament and Congress totally fails. The nature of the British Government may require and justify a course of proceeding in respect to treaties that is unwarrantable here.

The British Government is a mixed one. The king, at the head of the army, of the hierarchy, with an ample civil list, hereditary, unresponsible, and possessing the prerogative of peace and war, may be properly observed with some jealousy in respect to the exercise of the treaty-making power. It seems, and perhaps from a spirit of caution on this account, to be their doctrine, that treaties bind the nation, but are not to be regarded by the courts of law, until laws have been passed conformably to them. Our concurrence has expressly regulated the matter differently. The concurrence of Parliament is necessary to treaties bcoming laws in England, gentlemen say; and here the Senate, representing the States, must concur in treaties. The constitution and the reason of the case, make the concurrence of the Senate as effectual as the sanction of Parliament, and why not? The Senate is an elective body, and the approbation of a majority of the States affords the nation

as ample security against the abuse of the treaty-making power, as the British nation can enjoy in the control of Parliament.

Whatever doubt there may be as to the Parliamentary doctrine of the obligation of treaties in Great Britain (and perhaps there is some), there is none in their books, or their modern practice. Blackstone represents treaties as of the highest obligation, when ratified by the king; and for almost a century there has been no instance of opposition by Parliament to this doctrine. Their treaties have been uniformly carried into effect, although many have been ratified, of a nature most obnoxious to party, and have produced louder clamor than we have lately witnessed. The example of England, therefore, fairly examined, does not warrant, it dissuades, us from a negative vote.

Gentlemen have said, with spirit, whatever the true doctrine of our constitution may be, Great Britain has no right to complain or to dictate an interpretation. The sense of the American nation as to the treaty power, is to be received by all foreign nations. This is very true as a maxim; but the fact is against those who vouch it. The sense of the American nation is not as the vote of the House has declared it. Our claim to some agency in giving force and obligation to treaties, is beyond all kind of controversy novel. The sense of the nation is probably against it. The sense of the Government certainly is. The President denies it on constitutional grounds, and therefore cannot ever accede to our interpretation. The Senate ratified the treaty, and cannot without dishonor adopt it, as I have attempted to show. Where, then, do they find the proof that this is the American sense of the treaty-making power, which is to silence the murmurs of Great Britain? Is it because a majority of two or three, or at most, of four or five of this House, will reject the treaty? Is it thus the sense of our nation to be recognized? Our Government may thus be stopped in its movements—a struggle for power may thus commence, and the event of the conflict may decide who is the victor, and the quiet possessor of the treaty power. But at present it is beyond all credibility that our vote, by a bare majority, should be believed to do anything better than to embitter our divisions, and to tear up the settled foundations of our departments.

If the obligation of a treaty be complete, I am aware that cases sometimes exist which will justify a nation in refusing a compliance. Are our liberties, gentlemen demand, to be bartered away by a treaty—and is there no remedy? There is. Extremes are not to be supposed, but when they happen, they make the law for themselves. No such extreme can be pretended in this instance, and if it existed, the authority it would confer to throw off the obligation, would rest where the obligation itself resides—in the nation. This House is not the nation—it is not the whole delegated authority of the nation. Being only a part of that authority, its right to act for the whole society obviously depends on the concurrence of the other two branches. If they refuse to concur, a treaty, once made, remains in full force, although a breach on the part of a foreign nation would confer upon our own a right to forbear the execution. I repeat it, even in that case the act of this House cannot be admitted as the act of the nation, and if the President and Senate should not concur, the treaty would be obligatory.

I put a case that will not fail to produce conviction. Our treaty with France engages that free bottoms shall make free goods, and how has it been kept? As such engagements will ever be in time of war. France has set it aside, and pleads imperious necessity. We have no navy to enforce the observance of such articles, and paper barriers are weak against the violence of those who are on the scramble for enemies' goods on the high seas. The breach of any article of a treaty by one nation gives an undoubted right to the other to renounce the whole treaty. But has one branch of the Government that right, or must it reside with the whole authority of the nation? What if the Senate should resolve that the French treaty is broken, and therefore null and of no effect? The answer is obvious, you would deny their sole authority. That branch of the legislature has equal power in this regard with the House of Representatives. One branch alone cannot express the will of the nation.

A right to annul a treaty because a foreign nation has broken its articles, is only like the case of a sufficient cause to repeal a law. In both cases the branches of our Government must concur in the orderly way, or the law and the treaty will remain.

The very cases supposed by my adversaries in this argument,

conclude against themselves. They will persist in confounding ideas that should be kept distinct, they will suppose that the House of Representatives has no power unless it has all power. The House is nothing if it be not the whole Government—the nation.

On every hypothesis, therefore, the conclusion is not to be resisted; we are either to execute this treaty, or break our faith.

To expatiate on the value of public faith may pass with some men for declamation—to such men I have nothing to say. To others I will urge—can any circumstance mark upon a people more turpitude and debasement? Can anything tend more to make men think themselves mean, or degrade to a lower point their estimation of virtue, and their standard of action?

It would not merely demoralize mankind, it tends to break all the ligaments of society, to dissolve that mysterious charm which attracts individuals to the nation, and to inspire in its stead a repulsive sense of shame and disgust.

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir, this is not the character of the virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart. It is thus we obey the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defence, and is conscious that he gains protection while he gives it. For, what rights of a citizen will be deemed inviolable when a state renounces the principles that constitute their security? Or if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice. He would be a banished man in his native land.

I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians—a whiff of tobacco smoke, or a string of beads, gives not merely binding force, but sanctity to treaties. Even in Algiers, a truce may be bought for money, but when ratified, even Algiers is too wise, or too just, to disown and annul its obligation. Thus we see, neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loath, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their state. They would perceive it was their interest to make others respect, and they would therefore soon pay some respect themselves to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition, that America should furnish the occasion of this opprobrium. No, let me not even imagine, that a republican Government, sprung, as our own is, from a people enlightened and uncorrupted, a Government whose origin is right, and whose daily discipline is duty, can, upon solemn debate, make its option to be faithless—can dare to act what despots dare not avow, what our own example evinces, the states of Barbary are unsuspected of. No, let me rather make the supposition, that Great Britain refuses to execute the treaty, after we have done everything to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or rather, what would you not say? Would you not tell them, wherever an Englishman might travel, shame would stick to him—he would disown his country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power—blush for these distinctions, which become the vehicles of your dishonor. Such a nation might truly say to corruption, thou art my father, and to the worm, thou art my mother and my sister. We should say of such a race of men, their name is a heavier burden than their debt.

I can scarcely persuade myself to believe, that the consideration I have suggested requires the aid of any auxiliary. But, unfortunately, auxiliary arguments are at hand. Five millions of dollars, and probably more, on the score of spoliations committed on our commerce, depend upon the treaty. The treaty offers the only prospect of indemnity. Such redress is promised as the merchants place some confidence in. Will you interpose and frustrate that hope, leaving to many families nothing but beggary and despair? It is a smooth proceeding to take a vote in this body; it takes less than half an hour to call the yeas and nays and reject the treaty. But what is the effect of it? What, but this: the very men, formerly so loud for redress; such fierce champions, that even to ask for justice was too mean and too slow, now turn their capricious fury upon the sufferers, and say, by their vote, to them and their families, no longer eat bread; petitioners, go home and starve, we cannot satisfy your wrongs and our resentments.

Will you pay the sufferers out of the treasury? No. The answer was given two years ago, and appears on our journals. Will you give them letters of marque and reprisal to pay themselves by force? No, that is war. Besides, it would be an opportunity for those who have already lost much to lose more. Will you go to war to avenge their injury? If you do, the war will leave you no money to indemnify them. If it should be unsuccessful, you will aggravate existing evils; if successful, your enemy will have no treasure left to give our merchants: the first losses will be confounded with much greater and be forgotten. At the end of a war there must be a negotiation, which is the very point we have already gained; and why relinquish it? And who will be confident that the terms of the negotiation, after a desolating war, would be more acceptable to another House of Representatives than the treaty before us? Members and opinions may be so changed, that the treaty would then be rejected for being what the present majority say it should be. Whether we shall go on making treaties and refusing to execute them, I know not. Of this I am certain, it will be very difficult to exercise the treaty-making power on the new principles, with much reputation or advantage to the country.

The refusal of the posts (inevitable if we reject the treaty) is

a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be, the price of the western lands will fall. Settlers will not choose to fix their habitation on a field of battle. Those who talk so much of the interest of the United States, should calculate how deeply it would be affected by rejecting the treaty; how vast a tract of wild land will almost cease to be property. This loss, let it be observed, will fall upon a fund expressly devoted to sink the national debt. What, then, are we called upon to do? However the form of the vote and the protestations of many may disguise the proceeding, our resolution is in substance, and it deserves to wear the title of a resolution to prevent the sale of the western lands and the discharge of the public debt.

Will the tendency to Indian hostilities be contested by any one? Experience gives the answer. The frontiers were scourged with war till the negotiation with Great Britain was far advanced, and then the state of hostility ceased. Perhaps the public agents of both nations are innocent of fomenting the Indian war, and perhaps they are not. We ought not, however, to expect that neighboring nations, highly irritated against each other, will neglect the friendship of the savages; the traders will gain an influence and will abuse it; and who is ignorant that their passions are easily raised, and hardly restrained from violence? Their situation will oblige them to choose between this country and Great Britain, in case the treaty should be rejected. They will not be our friends, and at the same time the friends of our enemies.

But am I reduced to the necessity of proving this point? Certainly the very men who charged the Indian war on the detention of the posts, will call for no other proof than the recital of their own speeches. It is remembered with what emphasis, with what acrimony, they expatiated on the burden of taxes, and the drain of blood and treasure into the western country, in consequence of Britain's holding the posts. Until the posts are restored, they exclaimed, the treasury and the frontiers must bleed.

If any, against all these proofs, should maintain that the peace with the Indians will be stable without the posts, to them I will urge another reply. From arguments calculated to pro-

duce convicion, I will appeal directly to the hearts of those who hear me, and ask, whether it is not already planted there? I resort especially to the convictions of the Western gentlemen, whether, supposing no posts and no treaty, the settlers will remain in security? Can they take it upon them to say that an Indian peace, under these circumstances, will prove firm? No, sir, it will not be peace, but a sword; it will be no better than a lure to draw victims within the reach of the tomahawk.

On this theme my emotions are unutterable. If I could find words for them, if my powers bore any proportion to my zeal, I would swell my voice to such a note of remonstrance, it should reach every log-house beyond the mountains. I would say to the inhabitants, Wake from your false security; your cruel dangers, your more cruel apprehensions are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the daytime your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father—the blood of your sons shall fatten your cornfields: you are a mother—the war-whoop shall wake the sleep of the cradle.

On this subject you need not suspect any deception on your feelings. It is a spectacle of horror which cannot be overdrawn. If you have nature in your hearts, it will speak a language, compared with which all I have said or can say will be poor and frigid.

Will it be whispered that the treaty has made me a new champion for the protection of the frontiers? It is known that my voice as well as vote have been uniformly given in conformity with the ideas I have expressed. Protection is the right of the frontiers; it is our duty to give it.

Who will accuse me of wandering out of the subject? Who will say that I exaggerate the tendencies of our measures? Will anyone answer by a sneer, that all this is idle preaching? Will anyone deny that we are bound, and I would hope to good purpose, by the most solemn sanctions of duty for the vote we give? Are despots alone to be reproached for unfeeling indifference to the tears and blood of their subjects? Are republicans unresponsible? Have the principles, on which you ground the reproach upon cabinets and kings, no practical influence, no binding force? Are they merely themes of idle

declamation, introduced to decorate the morality of a newspaper essay, or to furnish pretty topics of harangue from the windows of the State-house? I trust it is neither too presumptuous nor too late to ask: Can you put the dearest interests of society at risk without guilt and without remorse?

It is vain to offer as an excuse, that public men are not to be reproached for the evils that may happen to ensue from their measures. This is very true, where they are unforeseen or inevitable. Those I have depicted are not unforeseen; they are so far from inevitable, we are going to bring them into being by our vote. We choose the consequences, and become as justly answerable for them as for the measure that we know will produce them.

By rejecting the posts, we light the savage fires, we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable, and if duty be anything more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

There is no mistake in this case, there can be none. Experience has already been the prophet of events, and the cries of our future victims have already reached us. The Western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of their wilderness. It exclaims, that while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons our imagination to the scenes that will open. It is no great effort of the imagination to conceive, that events so near are already begun. I can fancy that I listen to the yells of savage vengeance, and the shrieks of torture. Already they seem to sigh in the west wind—already they mingle with every echo from the mountains.

It is not the part of prudence to be inattentive to the tendencies of measures. Where there is any ground to fear that these will be pernicious, wisdom and duty forbid that we should underrate them. If we reject the treaty, will our peace be as safe as if we executed it with good faith? I do honor to the intrepid spirit of those who say it will. It was formerly understood to constitute the excellence of a man's faith to believe without evidence and against it.

But as opinions on this article are changed, and we are called to act for our country, it becomes us to explore the dangers that will attend its peace, and to avoid them if we can.

Few of us here, and fewer still in proportion of our constituents, will doubt, that, by rejecting, all those dangers will be aggravated.

The idea of war is treated as a bugbear. This levity is at least unseasonable, and most of all unbecoming some who resort to it.

Who has forgotten the philippics of 1794? The cry then was reparation—no envoy—no treaty—no tedious delays. Now, it seems, the passion subsides, or at least the hurry to satisfy it. Great Britain, say they, will not wage war upon us.

In 1794, it was urged by those, who now say, no war, that if we built frigates, or resisted the piracies of Algiers, we could not expect peace. Now they give excellent comfort truly. Great Britain has seized our vessels and cargoes to the amount of millions; she holds the posts; she interrupts our trade, say they, as a neutral nation; and these gentlemen, formerly so fierce for redress, assure us, in terms of the sweetest consolation, Great Britain will bear all this patiently. But let me ask the late champions of our rights, will our nation bear it? Let others exult because the aggressor will let our wrongs sleep forever. Will it add, it is my duty to ask, to the patience and quiet of our citizens to see their rights abandoned? Will not the disappointment of their hopes, so long patronized by the Government, now in the crisis of their being realized, convert all their passions into fury and despair?

Are the posts to remain forever in the possession of Great Britain? Let those who reject them, when the treaty offers them to our hands, say, if they choose, they are of no importance. If they are, will they take them by force? The argument I am urging would then come to a point. To use force is war. To talk of treaty again is too absurd. Posts and redress must come from voluntary good-will, treaty or war.

The conclusion is plain, if the state of peace shall continue, so will the British possession of the posts.

Look again at this state of things. On the seacoast, vast losses uncompensated: on the frontier, Indian war, actual encroachment on our territory: everywhere discontent—resent-

ments tenfold more fierce because they will be impotent and humbled: national scorn and abasement.

The disputes of the old treaty of 1783, being left to rankle, will revive the almost extinguished animosities of that period. Wars, in all countries, and most of all in such as are free, arise from the impetuosity of the public feelings. The despotism of Turkey is often obliged, by clamor, to unsheath the sword. War might perhaps be delayed, but could not be prevented. The causes of it would remain, would be aggravated, would be multiplied, and soon become intolerable. More captures, more impressments would swell the list of our wrongs, and the current of our rage. I make no calculation of the arts of those, whose employment it has been, on former occasions, to fan the fire. I say nothing of the foreign money and emissaries that might foment the spirit of hostility, because the state of things will naturally run to violence. With less than their former exertion, they would be successful.

Will our Government be able to temper and restrain the turbulence of such a crisis? The Government, alas, will be in no capacity to govern. A divided people—and divided councils! Shall we cherish the spirit of peace, or show the energies of war? Shall we make our adversary afraid of our strength, or dispose him, by the measures of resentment and broken faith, to respect our rights? Do gentlemen rely on the state of peace because both nations will be worse disposed to keep it; because injuries, and insults still harder to endure, will be mutually offered?

Such a state of things will exist, if we should long avoid war, as will be worse than war. Peace without security, accumulation of injury without redress, or the hope of it, resentment against the aggressor, contempt for ourselves, intestine discord and anarchy. Worse than this need not be apprehended, for if worse could happen, anarchy would bring it. Is this the peace gentlemen undertake with such fearless confidence to maintain? is this the station of American dignity, which the high-spirited champions of our national independence and honor could endure—nay, which they are anxious and almost violent to seize for the country? What is there in the treaty that could humble us so low? Are they the men to swallow their resentments, who so lately were choking with them? If

in the case contemplated by them, it should be peace, I do not hesitate to declare it ought not to be peace.

Is there anything in the prospect of the interior state of the country to encourage us to aggravate the dangers of a war? Would not the shock of that evil produce another, and shake down the feeble and then unbraced structure of our Government? Is this a chimera? Is it going off the ground of matter of fact to say, the rejection of the appropriation proceeds upon the doctrine of a civil war of the departments? Two branches have ratified a treaty, and we are going to set it aside. How is this disorder in the machine to be rectified? While it exists, its movements must stop, and when we talk of a remedy, is that any other than the formidable one of a revolutionary interposition of the people? And is this, in the judgment even of my opposers, to execute, to preserve the constitution and the public order? Is this the state of hazard, if not of convulsion, which they can have the courage to contemplate and to brave, or beyond which their penetration can reach and see the issue? They seem to believe, and they act as if they believed, that our union, our peace, our liberty, are invulnerable and immortal—as if our happy state was not to be disturbed by our dissensions, and that we are not capable of falling from it by our unworthiness. Some of them have, no doubt, better nerves and better discernment than mine. They can see the bright aspects and happy consequences of all this array of horrors. They can see intestine discords, our Government disorganized, our wrongs aggravated, multiplied and unredressed, peace with dishonor, or war without justice, union, or resources, in "the calm lights of mild philosophy."

But whatever they may anticipate as the next measure of prudence and safety, they have explained nothing to the House. After rejecting the treaty, what is to be the next step? They must have foreseen what ought to be done, they have doubtless resolved what to propose. Why, then, are they silent? Dare they not avow their plan of conduct, or do they wait till our progress towards confusion shall guide them in forming it?

Let me cheer the mind, weary, no doubt, and ready to despond on this prospect, by presenting another, which it is yet in our power to realize. Is it possible for a real American to look at the prosperity of this country without some desire for its con-

tinuance, without some respect for the measures which, many will say, produced, and all will confess, have preserved it? Will he not feel some dread that a change of system will reverse the scene? The well-grounded fears of our citizens in 1794 were removed by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered, at that day, as a happy escape from the calamity? The great interest and the general desire of our people, was to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots, or referred to a new negotiation after the end of the European war. This was gaining everything, because it confirmed our neutrality, by which our citizens are gaining everything. This alone would justify the engagements of the Government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were concentred in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded, at the same time, the sure prognostic of fair weather. If we reject it, the vivid colors will grow pale, it will be a baleful meteor, portending tempest and war.

Let us not hesitate, then, to agree to the appropriation to carry it into faithful execution. Thus we shall save the faith of our nation, secure its peace, and diffuse the spirit of confidence and enterprise, that will augment its prosperity. The progress of wealth and improvement is wonderful, and some will think, too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not so pleasing as the proofs of their industry, as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed-wheat, and is sown again to swell, almost beyond calculation, the future harvest of prosperity. And in this progress, what seems to be fiction is found to fall short of experience.

I rose to speak under impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me, almost equally, for much

exertion of body or mind. Unprepared for debate, by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent was imposed by necessity, and would cost me no effort to maintain. With a mind thus vacant of ideas, and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I have thus been led by my feelings to speak more at length than I had intended. Yet I have, perhaps, as little personal interest in the event as anyone here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote should pass to reject, and a spirit should rise, as it will, with the public disorders, to make confusion worse confounded, even I, slender and almost broken as my hold upon life is, may outlive the Government and constitution of my country.

PLAN FOR A FEDERAL CONSTITUTION

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BY

CHARLES PINCKNEY

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1758—1824

Charles Pinckney was born in Charleston, S. C., in the year 1758. He came of a family of influence and culture and was accustomed from his boyhood to hear the discussion of political questions. He thus acquired a comprehensive knowledge of economical subjects at an early age and before he had reached his seniority he was elected a member of the provincial legislature. He was elected to Congress from South Carolina in 1785 and subsequently took an active part in forming a plan of government for the new commonwealth. He was a delegate to the convention that framed the Constitution of the United States, and offered a draft of that instrument to the convention. The Constitution as it now stands contains some provisions proposed by him. In his observations on the Federal Constitution, printed and widely circulated at the time, he showed himself an acute dialectician, but not a great nor convincing pleader.

He was a strong advocate for the adoption of the Federal Constitution in the legislative body of his own State in 1788, and, in the following year, was chosen Governor and presided over the convention that adopted the constitution of South Carolina. He was a great admirer of Jefferson, and when chosen United States Senator as a Republican in 1798 became one of the most active promoters of Jefferson's candidacy for President. Under the latter he became Minister to Spain and rendered valuable services to his country in acquiring from Spain a clear and undisputed title to the territory purchased from France. He was again elected Governor in 1806. Pinckney was a member of Congress from 1819 to 1821 and raised his voice strongly in opposition to the passage of the Missouri Compromise bill. He saw that such a measure of compromise could only temporarily abate the evil it was intended to check, and that in time the whole discussion must needs be opened afresh. This was the last public service he rendered his country in an active and highly successful career. Charles Pinckney, though not usually considered a statesman of the highest order, had an honorable share in the organization of the federal government.

He was a man of liberal views on all subjects and was progressive and active in behalf of timely reforms. As a writer on political subjects his style is always clear and concise, while as an orator he was possessed of no mean degree of eloquence. His oration entitled "Plan for a Federal Constitution" is highly instructive, because of the light that it throws on the views and motives that were current at that time.

PLAN FOR A FEDERAL CONSTITUTION*

MR. PRESIDENT: It is perhaps unnecessary to state to the House the reasons which have given rise to this Convention. The critical and embarrassed situation of our public affairs is, no doubt, strongly impressed upon every mind. I well know, it is an undertaking of much delicacy, to examine into the cause of public disorders, but having been for a considerable time concerned in the administration of the federal system, and an evidence of its weakness, I trust the indulgence of the House will excuse me, while I endeavor to state with conciseness, as well the motives which induced the measure as what ought, in my opinion, to be the conduct of the convention.

There is no one, I believe, who doubts there is something particularly alarming in the present conjuncture. There is hardly a man in or out of office who holds any other language. Our government is despised—our laws are robbed of their respected terrors—their inaction is a subject of ridicule—and their exertion, of abhorrence and opposition—rank and office have lost their reverence and effect—our foreign politics are as much deranged as our domestic economy—our friends are slackened in their affection, and our citizens loosened from their obedience. We know neither how to yield or how to enforce—hardly anything abroad or at home is sound and entire—disconnection and confusion in offices, in States and in parties, prevail throughout every part of the Union. These are facts universally admitted and lamented.

This state of things is the most extraordinary because it immediately follows the close of a war when we conceived our political happiness was to commence; and because the parties

* [A few days subsequent to the meeting of the Federal Convention at Philadelphia, in May, 1787, Mr. Pinckney submitted to that assembly a "Plan of a Federal Constitution," which he supported with the speech here given.—EDITOR.]

which divided and were opposed to our systems are known to be in a great measure dissolved. No external calamity has visited us—we labor under no taxation that is new or oppressive, nor are we engaged in a war with foreigners, or in disputes with ourselves. To what, then, are we to attribute our embarrassments as a nation? The answer is an obvious one: To the weakness and impropriety of a government founded in mistaken principles—incapable of combining the various interests it is intended to unite and support, and destitute of that force and energy, without which no government can exist.

At the time I pronounce in the most decided terms this opinion of our confederation, permit me to remark that, considering the circumstances under which it was formed—in the midst of a dangerous and doubtful war, and by men totally inexperienced in the operations of a system so new and extensive, its defects are easily to be excused. We have only to lament the necessity which obliged us to form it at that time, and wish that its completion had been postponed to a period better suited to deliberation. I confess myself in sentiment with those who were of opinion that we should have avoided it if possible during the war—that it ought to have been formed by a convention of the States, expressly delegated for that purpose, and ratified by the authority of the people. This indispensable power it wants, and is therefore without the validity a federal constitution ought certainly to have had. In most of the States it has nothing more, strictly speaking, than a legislative authority, and might therefore be said, in some measure, to be under the control of the State legislatures.

Independent of this primary defect of not having been formed in a manner that would have given it an authority paramount to the constitutions and laws of the several States, and rendered it impossible for them to have interfered with its objects or operations, the first principles are destructive and contrary to those maxims of government which have been received and approved for ages.

In a government where the liberties of the people are to be preserved and the laws well administered, the executive, legislative, and judicial should ever be separate and distinct, and consist of parts mutually forming a check upon each other. The confederation seems to have lost sight of this wise distribution

of the powers of government, and to have concentred the whole in a single unoperative body, where none of them can be used with advantage or effect. The inequality of the principle of representation, where the largest and most inconsiderable States have an equal vote in the affairs of the Union; the want of commercial powers; of a compelling clause to oblige a due and punctual obedience to the confederation; a provision for the admission of new States; for an alteration of the system by a less than unanimous vote; of a general guarantee, and, in short, of numerous other reforms and establishments, convince me, that upon the present occasion, it would be politic in the convention to determine that they will consider the subject *de novo;* that they will pay no farther attention to the confederation than to consider it as good materials, and view themselves as at liberty to form and recommend such a plan as, from their knowledge of the temper of the people and the resources of the States, will be most likely to render our government firm and united. This appears to me far more proper than to attempt the repair of a system not only radically defective in principle, but which, if it was possible to give it operation, would prove absurd and oppressive. You must not hesitate to adopt proper measures, under an apprehension the States may reject them. From your deliberations much is expected; the eyes as well as hopes of your constituents are turned upon the convention; let their expectations be gratified. Be assured that however unfashionable for the moment your sentiments may be, yet, if your system is accommodated to the situation of the Union, and founded in wise and liberal principles, it will in time be consented to. An energetic government is our true policy, and it will at last be discovered and prevail.

Presuming that the question will be taken up *de novo*, I do not conceive it necessary to go into a minute detail of the defects of the present confederation, but request permission to submit, with deference to the House, the draft of a government which I have formed for the Union. The defects of the present will appear in the course of the examination. I shall give each article that either materially varies or is new. I well know the science of government is at once a delicate and difficult one, and none more so than that of republics. I confess my situation or experience have not been such as to enable me to form the

clearest and justest opinions. The sentiments I shall offer are the result of not so much reflection as I could have wished. The plan will admit of imporant amendments. I do not mean at once to offer it for the consideration of the House, but have taken the liberty of mentioning it, because it was my duty to do so.

The first important alteration is that of the principle of representation and the distribution of the different powers of government. In the federal councils, each State ought to have a weight in proportion to its importance; and no State is justly entitled to a greater. A representation is the sign of the reality. Upon this principle, however abused, the Parliament of Great Britain is formed, and it has been universally adopted by the States in the formation of their legislatures. It would be impolitic in us, to deem that unjust, which is a certain and beneficial truth. The abuse of this equality has been censured as one of the most dangerous corruptions of the English constitution; and I hope we shall not incautiously contract a disease that has been consuming them. Nothing but necessity could have induced Congress to ratify a confederation upon other principles. It certainly was the opinion of the first Congress in 1774 to acquire materials for forming an estimate of the comparative importance of each State; for, in the commencement of that session, they gave as a reason, for allowing each colony a vote, that it was not in their power at that time to procure evidence for determining their importance. This idea of a just representation seems to have been conformable to the opinions of the best writers on the subject, that in a confederated system, the members ought to contribute according to their abilities and have a vote in proportion to their importance. But if each must have a vote, it can be defended upon no other ground, than that of each contributing an equal share of the public burden; either would be a perfect system. The present must ever continue irreconcilable to justice. Montesquieu, who had very maturely considered the nature of a confederated government, gives the preference to the Lycian, which was formed upon this model. The assigning to each State its due importance in the federal councils at once removes three of the most glaring defects and inconveniences of the present confederation. The first is the inequality of representation; the second is, the alteration of

the mode of doing business in Congress; that is, voting individually, and not by States; the third is, that it would be the means of inducing the States to keep up their delegations by punctual and respectable appointments. The dilatory and unpleasant mode of voting by States must have been experienced by all who were members of Congress. Seven are necessary for any question, except adjourning, and nine for those of importance. It seldom happens that more than nine or ten States are represented. Hence it is generally in the power of a State or of an individual to impede the operations of that body. It has frequently happened, and, indeed, lately there have rarely been together upon the floor a sufficient number of States to transact any but the most trifling business. When the different branches of government are properly distributed, so as to make each operate upon the other as a check, the apportioning the representation according to the weight of the members, will enable us to remove these difficulties, by making a majority of the Houses, when constituted, capable of deciding in all, except a few cases, where a larger number may be thought necessary. The division of the legislative will be found essential, because in a government where so many important powers are intended to be placed, much deliberation is requisite. No possibility of precipitately adopting improper measures ought to be admitted, and such checks should be imposed, as we find, from experience, have been useful in other governments. In the Parliament of Great Britain, as well as in most and the best instituted legislatures of the States, we find not only two branches, but in some a council of revision, consisting of their executive and principal officers of government. This I consider as an improvement in legislation, and have therefore incorporated it as a part of the system. It adds to that due deliberation, without which no act should be adopted; and if in the affairs of a State government these restraints have proved beneficial, how much more necessary may we suppose them in the management of concerns so extensive and important?

The Senate, I propose to have elected by the House of Delegates, upon proportionable principles, in the manner I have stated, which, though rotative, will give that body a sufficient degree of stability and independence. The districts, into which the Union is to be divided, will be so apportioned as to give to

each its due weight, and the Senate, calculated in this, as it ought to be in every government, to represent the wealth of the nation. No mode can be devised more likely to secure their independence, of either the people or the House of Delegates, or to prevent their being obliged to accommodate their conduct to the influence or caprice of either. The people, in the first instance, will not have any interference in their appointment, and each class being elected for four years, the House of Delegates, which nominate, must, from the nature of their institution, be changed, before the times of the Senators have expired.

The executive should be appointed septennially, but his eligibility ought not to be limited: He is not a branch of the legislature farther, than as a part of the council of revision, and the suffering him to continue eligible will not only be the means of insuring his good behavior, but serve to render the office more respectable. I shall have no objection to elect him for a longer term, if septennial appointments are supposed too frequent or unnecessary. It is true that in our government he cannot be clothed with those executive authorities, the chief magistrate of a government often possesses; because they are vested in the legislature and cannot be used or delegated by them in any but the specified mode. Under the new system it will be found essentially necessary to have the executive distinct. His duties will be to attend to the execution of the acts of Congress by the several States, to correspond with them upon the subject; to prepare and digest in concert with the great departments such business as will come before the legislative at their stated sessions: to acquire, from time to time, as perfect a knowledge of the situation of the Union, as he possibly can, and to be charged with all the business of the home department. He will be empowered, whenever he conceives it necessary, to inspect the departments of foreign affairs, of war, of treasury, and when instituted, of the admiralty. This inspection into the conduct of the departments will operate as a check upon those officers, keep them attentive to their duty, and may be the means in time not only of preventing and correcting errors, but of detecting and punishing malpractices. He will have a right to consider the principals of these departments as his council, and to acquire their advice and assistance, whenever the duties of his office shall render it necessary. By this means our gov-

ernment will possess what it has always wanted, but never yet had, a cabinet council—an institution essential in all governments, whose situation or connections oblige them to have an intercourse with other powers. He will be the commander-in-chief of the land and naval forces of the United States; have a right to convene and prorogue the legislature upon special occasions, when they cannot agree as to the time of their adjournment; and appoint all officers, except judges and foreign ministers. Independent of the policy of having a distinct executive, it will be found that one on these principles will not create a new expense: The establishment of the President of Congress' household will nearly be sufficient; and the necessity, which exists at present, and which must every day increase, of appointing a secretary for the home department, will then cease. He will remain always removable by impeachment, and it will rest with the legislature to fix his salary upon permanent principles.

The mode of doing business in the federal legislature, when thus newly organized, will be the parliamentary one, adopted by the State legislatures. In a council so important, as I trust the federal legislature will be, too much attention cannot be paid to their proceedings. It is astonishing that in a body, constituted as the present Congress, so few inaccuracies are to be seen in their proceedings; for certainly, no assembly can be so much exposed to them as that wherein a resolution may be introduced and passed at once. It is a precipitancy which few situations can justify in deliberative bodies, and which the proposed alteration will effectually prevent.

The fourth article, respecting the extending the rights of the citizens of each State throughout the United States; the delivery of fugitives from justice upon demand and the giving full faith and credit to the records and proceedings of each is formed exactly upon the principles of the fourth article of the present confederation, except with this difference, that the demand of the executive of a State for any fugitive criminal offender shall be complied with. It is now confined to treason, felony, or other high misdemeanor; but as there is no good reason for confining it to those crimes, no distinction ought to exist, and a State should always be at liberty to demand a fugitive from its justice, let his crime be what it may.

The fifth article, declaring that individual States shall not exercise certain powers, is also founded on the same principles as the sixth of the confederation.

The next is an important alteration of the federal system, and is intended to give the United States in Congress, not only a revision of the legislative acts of each State, but a negative upon all such as shall appear to them improper.

I apprehend the true intention of the States in uniting is, to have a firm, national government, capable of effectually executing its acts, and dispensing its benefits and protection. In it alone can be vested those powers and prerogatives which more particularly distinguish a sovereign State. The members which compose the superintending government are to be considered merely as parts of a great whole, and only suffered to retain the powers necessary to the administration of their State systems. The idea which has been so long and falsely entertained of each being a sovereign State, must be given up; for it is absurd to suppose there can be more than one sovereignty within a government. The States should retain nothing more than that mere local legislation, which, as districts of a general government, they can exercise more to the benefit of their particular inhabitants, than if it was vested in the Supreme Council; but in every foreign concern as well as in those internal regulations, which respecting the whole ought to be uniform and national, the States must not be suffered to interfere. No act of the federal government in pursuance of its constitutional powers ought by any means to be within the control of the State legislatures; if it is, experience warrants me in asserting they will assuredly interfere and defeat its operation. That these acts ought not therefore to be within their power, must be readily admitted; and if so, what other remedy can be devised than the one I have mentioned? As to specifying that only their acts upon particular points should be subject to revision, you will find it difficult to draw the line with so much precision and exactness as to prevent their discovering some mode of counteracting a measure that is disagreeable to them. It may be said that the power of revision here asked is so serious a diminution of the State's importance, that they will reluctantly grant it. This, however true, does not lessen its necessity, and the more the subject is examined, the more clearly will it appear. It is

agreed that a reform of our government is indispensable, and that a stronger federal system must be adopted; but it will ever be found, that let your system upon paper be as complete and as guarded as you can make it, yet still, if the State assemblies are suffered to legislate without restriction or revision, your government will remain weak, disjointed, and inefficient. Review the ordinances and resolutions of Congress for the last five or six years—such, I mean, as they had a constitutional right to adopt—and you will scarcely find one of any consequence that has not, in some measure, been violated or neglected. Examine more particularly your treaties with foreign powers: those solemn national compacts, whose stipulations each member of the Union was bound to comply with. Is there a treaty which some of the States have not infringed? Can any other conduct be expected from so many different legislatures being suffered to deliberate upon national measures? Certainly not. Their regulations must ever interfere with each other, and perpetually disgrace and distract the federal councils. I must confess I view the power of revision and of a negative as the corner-stone of any reform we can attempt, and that its exercise by Congress will be as safe as it is useful. In a government constituted as this is there can be no abuse of it. The proceedings of the States which merely respect their local concerns will always be passed as matters of form, and objections only arise where they shall endeavor to contravene the federal authority. Under the British government, notwithstanding we early and warmly resisted their other attacks, no objection was ever made to the negative of the King. As a part of his government, it was considered proper. Are we now less a part of the federal government than we were then of the British? Shall we place less confidence in men appointed by ourselves and subject to our recall, than we did in their executive? I hope not. Whatever views we may have of the importance or retained sovereignty of the States, be assured they are visionary and unfounded, and that their true interests consist in concentring, as much as possible, the force and resources of the Union in one superintending government, where alone they can be exercised with effect. In granting to the federal government certain exclusive national powers, you invest all their incidental rights. The term exclusive involves every right or authority necessary to their execu-

tion. This revision and negative of the laws is nothing more than giving a farther security to these rights. It is only authorizing Congress to protect the powers you delegate, and prevent any interference or opposition on the part of the States. It is not intended to deprive them of the power of making such laws as shall be confined to the proper objects of State legislation, but it is to prevent their annexing to laws of this kind, provisions which may in their nature interfere with the regulations of the federal authority. It will sometimes happen, that a general regulation which is beneficial to the confederacy may be considered oppressive or injurious, by a particular State. In a mixed government, composed of so many various interests, it will be impossible to frame general systems, operating equally upon all its members. The common benefit must be the criterion, and each State must, in its turn, be obliged to yield some of its advantages. If it was possible completely to draw the distinguishing line, so as to reserve to the States the legislative rights they ought to retain, and prevent their exceeding them, I should not object; but it will be found exceedingly difficult, for, as I have already observed, leave them only a right to pass an act, without revision or control, and they will certainly abuse it. The only mode that I can think of for qualifying it, is to vest a power somewhere, in each State, capable of giving their acts a limited operation, until the sense of Congress can be known. To those who have not sufficiently examined the nature of our federal system, and the causes of its present weakness and disorders, this curb upon the State legislatures may perhaps appear an improper attempt to acquire a dangerous and unnecessary power. I am afraid the greater part of our citizens are of this class, and that there are too few among them, either acquainted with the nature of their own republic, or with those of the same tendency which have preceded it. Though our present disorders must be attributed in the first instance, to the weakness and inefficiency of our government, it must still be confessed, they have been precipitated by the refractory and inattentive conduct of the States; most of which have neglected altogether the performance of their federal duties, and whenever their State policy or interests prompted, used their retained sovereignty to the injury and disgrace of the federal head. Nor can any other conduct be expected, while they are

suffered to consider themselves as distinct sovereignties, or in any other light than as parts of a common government. The United States can have no danger so much to dread, as that of disunion; nor has the federal government, when properly formed, anything to fear, but from the licentiousness of its members. We have no hereditary monarchy or nobles, with all their train of influence or corruption, to contend with; nor is it possible to form a federal aristocracy. Parties may for a time prevail in the States, but the establishment of an aristocratic influence in the councils of the Union is remote and doubtful. It is the anarchy, if we may use the term, or rather worse than anarchy, of a pure democracy, which I fear. Where the laws lose their respect, and the magistrates their authority; where no permanent security is given to the property and privileges of the citizens; and no measures pursued but such as suit the temporary interest and convenience of the prevailing parties, I cannot figure to myself a government more truly degrading; and yet, such has been the fate of all the ancient, and probably will be, of all the modern republics. The progress has been regular, from order to licentiousness; from licentiousness to anarchy; and from thence to despotism. If we review the ancient confederacies of Greece, we shall find that each of them in their turn, became a prey to the turbulence of their members, who, refusing to obey the federal head, and upon all occasions insulting and opposing its authority, afforded an opportunity to foreign powers to interfere and subvert them. There is not an example in history, of a confederacy's being enslaved or ruined by the invasions of the supreme authority, nor is it scarcely possible, for depending for support and maintenance upon the members, it will always be in their power to check and prevent its injuring them. The Helvetic and Belgic confederacies, which, if we except the Gryson league, are the only governments that can be called republics in Europe, have the same vices with the ancients. The too great and dangerous influence of the parts—an influence that will sooner or later subject them to the same fate. In short, from their example, and from our own experience, there can be no truth more evident than this, that, unless our government is consolidated, as far as is practicable, by retrenching the State authorities, and concentring as much force and vigor in the Union, as are adequate to its exigencies, we

shall soon be a divided and consequently an unhappy people. I shall ever consider the revision and negative of the State laws, as one great and leading step to this reform, and have therefore conceived it proper, to bring it into view.

The next article proposes to invest a number of exclusive rights, delegated by the present confederation, with this alteration: that it is intended to give the unqualified power of raising troops, either in time of peace or war, in any manner the Union may direct. It does not confine them to raise troops by quotas on particular States, or to give them the right of appointing regimental officers, but enables Congress to raise troops as they shall think proper, and to appoint all the officers. It also contains a provision for empowering Congress to levy taxes upon the States, agreeable to the rule now in use, an enumeration of the white inhabitants, and three-fifths of other descriptions.

The seventh article invests the United States with the complete power of regulating the trade of the Union, and levying such imposts and duties upon the same, for the use of the United States, as shall, in the opinion of Congress, be necessary and expedient. So much has been said upon the subjects of regulating trade and levying an impost, and the States have so generally adopted them, that I think it unnecessary to remark upon this article. The intention is, to invest the United States with the power of rendering our maritime regulations uniform and efficient, and to enable them to raise a revenue for federal purposes, uncontrollable by the States. I thought it improper to fix the percentage of the imposts, because it is to be presumed their prudence will never suffer them to impose such duties as a fair trade will not bear, or such as may promote smuggling. But as far as our commerce will bear, or is capable of yielding a revenue, without depressing it, I am of opinion they should have a right to direct. The surrendering to the federal government the complete management of our commerce, and of the revenue arising from it, will serve to remove that annual dependence on the States, which has already so much deceived, and will, should no more effectual means be devised, in the end fatally disappoint us. This article will, I think, be generally agreed to by the States. The measure of regulating trade is nearly assented to by all, and the only objections to the impost being from New York, and entirely of a constitutional nature,

must be removed by the powers being incorporated with and becoming a part of the federal system.

The eighth article only varies so far from the present, as in the article of the Post-office, to give the federal government a power not only to exact as much postage as will bear the expense of the office, but also for the purpose of raising a revenue. Congress had this in contemplation some time since, and there can be no objection, as it is presumed, in the course of a few years the Post-office will be capable of yielding a considerable sum to the public treasury.

The ninth article, respecting the appointment of federal courts for deciding territorial controversies between different States, is the same with that in the confederation; but this may with propriety be left to the supreme judicial.

The tenth article gives Congress a right to institute all such offices as are necessary for managing the concerns of the Union; of erecting a federal judicial court for the purposes therein specified; and of appointing courts of admiralty for the trial of maritime causes in the States respectively. The institution of a federal judicial upon the principles mentioned in this article, has been long wanting. At present there is no tribunal in the Union capable of taking cognizance of their officers who shall misbehave in any of their departments, or in their ministerial capacities out of the limits of the United States. For this, as well as the trial of questions arising on the law of nations, the construction of treaties, or any of the regulations of Congress in pursuance of their powers, or wherein they may be a party, there ought certainly to be a judicial, acting under the authority of the confederacy; for securing whose independence and integrity some adequate provision must be made, not subject to the control of the legislature. As the power of deciding finally in cases of appeal, and all maritime regulations are to be vested in the United States, the courts of admiralty in the several States, which are to be governed altogether by their regulations and the civil law, ought also to be appointed by them; it will serve as well to secure the uprightness of the judges, as to preserve a uniformity of proceeding in maritime cases throughout the Union.

The exclusive right of coining money—regulating its alloy, and determining in what species of money the common treasury

shall be supplied—is essential to assuring the federal funds. If you allow the States to coin money, or emit bills of credit, they will force you to take them in payment for federal taxes and duties, for the certain consequence of either introducing base coin, or depreciated paper, is the banishing specie out of circulation; and though Congress may determine that nothing but specie shall be received in payment of federal taxes or duties, yet, while the States retain the rights they at present possess, they will always have it in their power, if not totally to defeat, yet very much to retard and confuse the collection of federal revenues. The payments of the respective States into the treasury, either in taxes or imposts, ought to be regular and uniform in proportion to their abilities; no State should be allowed to contribute in a different manner from the others, but all alike in actual money. There can be no other mode of ascertaining this than to give to the United States the exclusive right of coining, and determining in what manner the federal taxes shall be paid.

In all those important questions, where the present confederation has made the assent of nine States necessary, I have made the assent of two-thirds of both Houses, when assembled in Congress, and added to the number the regulation of trade, and acts for levying an impost and raising a revenue. These restraints have ever appeared to me proper; and in determining questions whereon the political happiness and perhaps existence of the Union may depend, I think it unwise ever to leave the decision to a mere majority. No acts of this kind should pass, unless two-thirds of both Houses are of opinion they are beneficial, it may then be presumed the measure is right; but when merely a majority determines, it will be doubtful; and in questions of this magnitude, where their propriety is doubtful, it will in general be safest not to adopt them.

The exclusive right of establishing regulations for the government of the militia of the United States, ought certainly to be vested in the federal councils. As standing armies are contrary to the constitutions of most of the States and the nature of our government, the only immediate aid and support that we can look up to, in case of necessity, is the militia. As the several States form one government, united for their common benefit and security, they are to be considered as a nation—their militia

therefore should be as far as possible national—a uniformity in discipline and regulations should pervade the whole; otherwise, when the militia of several States are required to act together, it will be difficult to combine their operations, from the confusion a difference of discipline and military habits will produce. Independent of our being obliged to rely on the militia as a security against foreign invasions or domestic convulsions, they are in fact the only adequate force the Union possess, if any should be requisite to coerce a refractory or negligent member, and to carry the ordinances and decrees of Congress into execution. This, as well as the cases I have alluded to, will sometimes make it proper to order the militia of one State into another. At present the United States possess no power of directing the militia, and must depend upon the States to carry their recommendations upon this subject into execution. While this dependence exists, like all their other reliances upon the States for measures they are not obliged to adopt, the federal views and designs must ever be delayed and disappointed. To place therefore a necessary and constitutional power of defence and coercion in the hands of the federal authority, and to render our militia uniform and national, I am decidedly in opinion they should have the exclusive right of establishing regulations for their government and discipline, which the States should be bound to comply with, as well as with their requisitions for any number of militia, whose march into another State the public safety or benefit should require.

In every confederacy of States, formed for their general benefit and security, there ought to be a power to oblige the parties to furnish their respective quotas without the possibility of neglect or evasion. There is no such clause in the present confederation, and it is therefore without this indispensable security. Experience justifies me in asserting that we may detail as minutely as we can, the duties of the States, but unless they are assured that these duties will be required and enforced, the details will be regarded as nugatory. No government has more severely felt the want of a coercive power than the United States; for want of it, the principles of the confederation have been neglected with impunity in the hour of the most pressing necessity, and at the imminent hazard of its existence; nor are we to expect they will be more attentive in future. Unless there

is a compelling principle in the confederacy there must be an injustice in its tendency; it will expose an unequal proportion of the strength and resources of some of the States to the hazard of war in defence of the rest—the first principles of justice direct that this danger should be provided against—many of the States have certainly shown a disposition to evade a performance of their federal duties, and throw the burden of government upon their neighbors. It is against this shameful evasion in the delinquent, this forced assumption in the more attentive, I wish to provide, and they ought to be guarded against by every means in our power. Unless this power of coercion is infused, and exercised when necessary, the States will most assuredly neglect their duties. The consequence is either a dissolution of the Union, or an unreasonable sacrifice by those who are disposed to support and maintain it.

The article empowering the United States to admit new States into the confederacy, is become indispensable, from the separation of certain districts from the original States—and the increasing population and consequence of the western territory. I have also added an article authorizing the United States, upon petition from the majority of the citizens of any State or convention authorized for that purpose, and of the legislature of the State to which they wish to be annexed, or of the States among which they are willing to be divided, to consent to such junction or division, on the terms mentioned in the article. The inequality of the federal members, and the number of small States, is one of the greatest defects of our Union. It is to be hoped, this inconvenience will, in time, correct itself; and that the smaller States, being fatigued with the expense of their State systems, and mortified at their want of importance, will be inclined to participate in the benefits of the larger, by being annexed to and becoming a part of their governments. I am informed sentiments of this kind already prevail; and, in order to encourage propositions so generally beneficial, a power should be vested in the Union, to accede to them whenever they are made.

The federal government should also possess the exclusive right of declaring on what terms the privileges of citizenship and naturalization should be extended to foreigners. At present the citizens of one State are entitled to the privileges of citizens

in every State. Hence it follows, that a foreigner as soon as he is admitted to the rights of citizenship in one, becomes entitled to them in all. The States differed widely in their regulations on this subject. I have known it already productive of inconveniences, and think they must increase. The younger States will hold out every temptation to foreigners, by making the admission to offices less difficult in their governments, than the older. I believe in some States, the residence which will enable a foreigner to hold any office, will not in others entitle him to a vote. To render this power generally useful, it must be placed in the Union, where alone it can be equally exercised.

The sixteenth article proposes to declare that if it should hereafter appear necessary to the United States to recommend the grant of any additional powers, the assent of a given number of the States shall be sufficient to invest them and bind the Union as fully as if they had been confirmed by the legislatures of all the States. The principles of this, and the article which provides for the future alteration of the constitution by its being first agreed to in Congress, and ratified by a certain proportion of the legislatures, are precisely the same; they both go to destroy that unanimity, which, upon these occasions, the present system has unfortunately made necessary—the propriety of this alteration has been so frequently suggested, that I shall only observe, that it is to this unanimous consent, the depressed situation of the Union is undoubtedly owing. Had the measures recommended by Congress and assented to, some of them by eleven and others by twelve of the States, been carried into execution, how different would have been the complexion of public affairs? To this weak, this absurd part of the government, may all our distresses be fairly attributed.

If the States were equal in size and importance, a majority of the legislatures might be sufficient for the grant of any new powers; but disproportioned as they are and must continue for a time, a larger number may now in prudence be required—but I trust no government will ever again be adopted in this country, whose alteration cannot be effected but by the assent of all its members. The hazardous situation the United Netherlands are frequently placed in on this account, as well as our own mortifying experience, is sufficient to warn us from a danger which has already nearly proved fatal. It is difficult to form a

government so perfect as to render alterations unnecessary; we must expect and provide for them. But difficult as the forming a perfect government would be, it is scarcely more so, than to induce thirteen separate legislatures to think and act alike upon one subject—the alterations that nine think necessary, ought not to be impeded by four—a minority so inconsiderable should be obliged to yield. Upon this principle, the present articles are formed, and are, in my judgment, so obviously proper, that I think it unnecessary to remark further upon them.

There is also in the articles a provision respecting the attendance of the members of both Houses; it is proposed that they shall be the judges of their own rules and proceedings, nominate their own officers, and to be obliged, after accepting their appointments, to attend the stated meetings of the legislature; the penalties under which their attendance is required, are such as to insure it, as we are to suppose no man would willingly expose himself to the ignominy of a disqualification. Some effectual mode must be adopted to compel an attendance, as the proceedings of the government must depend on its formation; —the inconveniences arising from the want of a sufficient representation have been frequently and severely felt in Congress. The most important questions have, on this account, been delayed, and I believe I may venture to assert, that for six months in the year, they have not lately had such a representation as will enable them to proceed on business of consequence. Punctuality is essential in a government so extensive, and where a part of the members come from considerable distances, and of course, have no immediate calls to divert their attention from the public business, those who are in the vicinity should not be suffered to disappoint them; if the power of compelling their attendance is necessary, it must be incorporated as a part of the constitution which the States will be bound to execute; at present, it is contended that no such authority exists; that the members of Congress are only responsible to the State they represent, and to this may be attributed that shameful remissness in forming the federal council, which has been so derogating and injurious to the Union. The article I have inserted is intended to produce a reform, and I do not at present discover a mode in which the attendance of the members can be more effectually enforced.

The next article provides for the privilege of the writ of *habeas corpus*—the trial by jury in all cases, criminal as well as civil—the freedom of the press and the prevention of religious tests as qualifications to offices of trust or emolument. The three first essential in free governments; the last a provision the world will expect from you, in the establishment of a system founded on republican principles, and in an age so liberal and enlightened as the present.

There is also an authority to the national legislature, permanently to fix the seat of the general government, to secure to authors the exclusive right to their performances and discoveries, and to establish a federal university.

There are other articles, but of subordinate consideration. In opening the subject, the limits of my present observations would only permit me to touch the outlines; in these I have endeavored to unite and apply, as far as the nature of our Union would permit, the excellencies of such of the State constitutions as have been most approved. The first object with the convention must be to determine on principle—the most leading of these are, the just proportion of representation, and the arrangement and distribution of the powers of government. In order to bring a system founded on these principles to the view of the convention, I have sketched the one which has just been read—I now submit it with deference to their consideration, and wish, if it does not appear altogether objectionable, that it may be referred to the examination of a committee.

There have been frequent, but unsuccessful, attempts by Congress, to obtain from the States the grant of additional powers, and such is the dangerous situation in which their negligence and inattention have placed the federal concerns, that nothing less than a convention of the States could probably prevent a dissolution of the Union. Whether we shall be so fortunate as to concur in measures calculated to remove these difficulties, and render our government firm and energetic, remains to be proved. A change in our political system is inevitable; the States have wisely foreseen this, and provided a remedy. Congress have sanctioned it. The consequences may be serious should the convention dissolve without coming to some determination. I dread even to think of the event of a convulsion, and how much the ineffectual assemblage of this body may tend

to produce it. Our citizens would then suppose that no reasonable hope remained of quietly removing the public embarrassment, or of providing by a well-formed government for the protection and happiness of the people—they might possibly turn their attention to effecting that by force, which had been in vain constitutionally attempted.

I ought again to apologize for presuming to intrude my sentiments upon a subject of such difficulty and importance. It is one that I have for a considerable time attended to. I am doubtful whether the convention will, at first, be inclined to proceed as far as I have intended; but this I think may be safely asserted, that upon a clear and comprehensive view of the relative situation of the Union, and its members, we shall be convinced of the policy of concentring in the federal head, a complete supremacy in the affairs of government; leaving only to the States such powers as may be necessary for the management of their internal concerns.

ORATION AT PLYMOUTH

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BY

JOHN QUINCY ADAMS

JOHN QUINCY ADAMS

1767—1848

The contemplation of this man's career awakens a certain sadness in the observer; for in the grim integrity and resolute independence of his character, in the austerity and rigid industry of his life, in his strenuous exertions for the public welfare as he saw it, in his austere friendships, and many enmities, there is something pathetic: here was one who lived the best and truest life he knew of, who did nothing unworthy, and much that was of high value; who attained to many honors, including the presidency of his country; and who died in the capital where he had spent so much of his laborious life; and yet who seems to have missed something; some kindly human touch, some pleasure, or gentleness or relaxation which should belong to mortal man, and without which he loses the best that life has to bestow. Adams was as one who spends his whole life in armor, never doffing the heavy helmet and the burdensome steel cuirass, and hardly throwing aside the gauntlets; who, like the knights in Scott's "Lay of the Last Minstrel," must

> "Carved at the meal with gloves of steel,
> And drank the red wine through the helmet barred."

There is no resting place in his life, and apparently no childhood or boyhood. He was the son of that fiery and indomitable Puritan, John Adams, and was destined by his father from his birth to the career of a statesman. We may imagine that John Adams was no indulgent father; he cared not to show his son the easy and pleasant side of existence; he made him feel that every waking moment should be devoted to virtue and politics. John was travelling with his father in Europe in his twelfth year, and in his thirteenth was attending Leyden University, merely as a preparation for his course at Harvard, where he graduated at the age of twenty-one, in 1788. Study of law followed; at twenty-four he was admitted to the bar; was soon appointed ambassador to the Hague by Washington, and concluded a commercial treaty with Prussia. He entered the Massachusetts Senate at thirty-five, and that of the United States at thirty-six, sitting with the Federalists, but presently breaking with them on the question of the embargo, which he supported. During the voluntary retirement from Congress which this act of independence occasioned, he taught rhetoric at Harvard for two years; then, against his father's advice this time, he accepted the ministry to Russia, and aided in the Treaty of Ghent. The ministry at London succeeded, and in 1817 he returned home to be Secretary of State in Monroe's Cabinet. By his diplomacy the acquisition of Florida was accomplished, and the limits of Louisiana defined. Then came the presidency, almost inevitable to such a man, yet the electoral college was tied, and the vote had to be given by the House. He was not satisfied with one term; but his effort to secure another was defeated, and he retired to private life. He was then sixty-two years old, and surely he had done enough. But in 1831 he returned to Congress as an independent member of the House, and there he worked and watched for eighteen years more. His death was due to a stroke of paralysis at the age of eighty-one.

His speeches were himself in words; closely reasoned, fearless, clear-cut, terse, and relentless. The "Oration at Plymouth" is an example of his most polished style of delivery.

ORATION AT PLYMOUTH

Delivered at Plymouth on December 22, 1802, in commemoration of the landing of the Pilgrims

AMONG the sentiments of most powerful operation upon the human heart, and most highly honorable to the human character, are those of veneration for our forefathers, and of love for our posterity. They form the connecting links between the selfish and the social passions. By the fundamental principle of Christianity, the happiness of the individual is interwoven, by innumerable and imperceptible ties, with that of his contemporaries: by the power of filial reverence and parental affection, individual existence is extended beyond the limits of individual life, and the happiness of every age is chained in mutual dependence upon that of every other. Respect for his ancestors excites, in the breast of man, interest in their history, attachment to their characters, concern for their errors, involuntary pride in their virtues. Love for his posterity spurs him to exertion for their support, stimulates him to virtue for their example, and fills him with the tenderest solicitude for their welfare. Man, therefore, was not made for himself alone. No; he was made for his country, by the obligations of the social compact: he was made for his species, by the Christian duties of universal charity: he was made for all ages past, by the sentiment of reverence for his forefathers; and he was made for all future times, by the impulse of affection for his progeny. Under the influence of these principles, "Existence sees him spurn her bounded reign." They redeem his nature from the subjection of time and space: he is no longer a "puny insect shivering at a breeze"; he is the glory of creation, formed to occupy all time and all extent; bounded, during his residence upon earth, only by the boundaries of the world, and destined to life and immortality in brighter regions, when the fabric of nature itself shall dissolve and perish.

The voice of history has not, in all its compass, a note but answers in unison with these sentiments. The barbarian chieftain, who defended his country against the Roman invasion, driven to the remotest extremity of Britain, and stimulating his followers to battle, by all that has power of persuasion upon the human heart, concludes his exhortation by an appeal to these irresistible feelings—"Think of your forefathers and of your posterity." The Romans themselves, at the pinnacle of civilization, were actuated by the same impressions, and celebrated, in anniversary festivals, every great event which had signalized the annals of their forefathers. To multiply instances, where it were impossible to adduce an exception, would be to waste your time and abuse your patience: but in the sacred volume, which contains the substance of our firmest faith and of our most precious hopes, these passions not only maintain their highest efficacy, but are sanctioned by the express injunctions of the Divine Legislator to his chosen people.

The revolutions of time furnish no previous example of a nation shooting up to maturity and expanding into greatness, with the rapidity which has characterized the growth of the American people. In the luxuriance of youth, and in the vigor of manhood, it is pleasing and instructive to look backwards upon the helpless days of infancy; but in the continual and essential changes of a growing subject, the transactions of that early period would be soon obliterated from the memory, but for some periodical call of attention to aid the silent records of the historian. Such celebrations arouse and gratify the kindliest emotions of the bosom. They are faithful pledges of the respect we bear to the memory of our ancestors, and of the tenderness with which we cherish the rising generation. They introduce the sages and heroes of ages past to the notice and emulation of succeeding times: they are at once testimonials of our gratitude, and schools of virtue to our children.

These sentiments are wise; they are honorable; they are virtuous; their cultivation is not merely innocent pleasure, it is incumbent duty. Obedient to their dictates, you, my fellow-citizens, have instituted and paid frequent observance to this annual solemnity. And what event of weightier intrinsic importance, or of more extensive consequences, was ever selected for this honorary distinction?

In reverting to the period of their origin, other nations have generally been compelled to plunge into the chaos of impenetrable antiquity, or to trace a lawless ancestry into the caverns of ravishers and robbers. It is your peculiar privilege to commemorate, in this birthday of your nation, an event ascertained in its minutest details: an event of which the principal actors are known to you familiarly, as if belonging to your own age: an event of a magnitude before which imagination shrinks at the imperfection of her powers. It is your further happiness to behold, in those eminent characters who were most conspicuous in accomplishing the settlement of your country, men upon whose virtues you can dwell with honest exultation. The founders of your race are not handed down to you, like the father of the Roman people, as the sucklings of a wolf. You are not descended from a nauseous compound of fanaticism and sensuality, whose only argument was the sword, and whose only paradise was a brothel. No Gothic scourge of God; no Vandal pest of nations; no fabled fugitive from the flames of Troy; no bastard Norman tyrant appears among the list of worthies, who first landed on the rock, which your veneration has preserved, as a lasting monument of their achievement. The great actors of the day we now solemnize were illustrious by their intrepid valor, no less than by their Christian graces; but the clarion of conquest has not blazoned forth their names to all the winds of heaven. Their glory has not been wafted over oceans of blood to the remotest regions of the earth. They have not erected to themselves colossal statues upon pedestals of human bones, to provoke and insult the tardy hand of heavenly retribution. But theirs was "the better fortitude of patience and heroic martyrdom." Theirs was the gentle temper of Christian kindness; the rigorous observance of reciprocal justice; the unconquerable soul of conscious integrity. Worldly fame has been parsimonious of her favor to the memory of those generous champions. Their numbers were small; their stations in life obscure; the object of their enterprise unostentatious; the theatre of their exploits remote: how could they possibly be favorites of worldly fame? That common crier, whose existence is only known by the assemblage of multitudes: that pander of wealth and greatness, so eager to haunt the palaces of fortune, and so fastidious to the houseless dignity of virtue: that parasite of pride, ever scornful

to meekness, and ever obsequious to insolent power: that heedless trumpeter, whose ears are deaf to modest merit, and whose eyes are blind to bloodless, distant excellence.

When the persecuted companions of Robinson, exiles from their native land, anxiously sued for the privilege of removing a thousand leagues more distant to an untried soil, a rigorous climate and a savage wilderness, for the sake of reconciling their sense of religious duty with their affections for their country, few, perhaps none of them, formed a conception of what would be, within two centuries, the result of their undertaking. When the jealous and niggardly policy of their British sovereign denied them even that humblest of requests, and instead of liberty, would barely consent to promise connivance, neither he nor they might be aware that they were laying the foundations of a power, and that he was sowing the seeds of a spirit, which, in less than two hundred years, would stagger the throne of his descendants, and shake his united kingdoms to the centre. So far is it from the ordinary habits of mankind, to calculate the importance of events in their elementary principles, that had the first colonists of our country ever intimated as a part of their designs, the project of founding a great and mighty nation, the finger of scorn would have pointed them to the cells of bedlam, as an abode more suitable for hatching vain empires than the solitude of a transatlantic desert.

These consequences, then so little foreseen, have unfolded themselves in all their grandeur, to the eyes of the present age. It is a common amusement of speculative minds to contrast the magnitude of the most important events with the minuteness of their primeval causes, and the records of mankind are full of examples for such contemplations. It is, however, a more profitable employment to trace the constituent principles of future greatness in their kernel; to detect in the acorn at our feet the germ of that majestic oak, whose roots shoot down to the centre, and whose branches aspire to the skies. Let it be then our present occupation to inquire and endeavor to ascertain the causes first put in operation at the period of our commemoration, and already productive of such magnificent effects; to examine, with reiterated care and minute attention, the characters of those men who gave the first impulse to a new series of events in the history of the world; to applaud and emulate those qualities of their

minds which we shall find deserving of our admiration; to recognize, with candor, those features which forbid approbation or even require censure, and finally to lay alike their frailties and their perfections to our own hearts, either as warning or as example.

Of the various European settlements upon this continent, which have finally merged in one independent nation, the first establishments were made at various times, by several nations, and under the influence of different motives. In many instances, the conviction of religious obligation formed one and a powerful inducement of the adventurers; but in none, excepting the settlement at Plymouth, did they constitute the sole and exclusive actuating cause. Worldly interest and commercial speculation entered largely into the views of other settlers: but the commands of conscience were the only stimulus to the emigrants from Leyden. Previous to their expedition hither, they had endured a long banishment from their native country. Under every species of discouragement, they undertook the voyage; they performed it in spite of numerous and almost insuperable obstacles; they arrived upon a wilderness bound with frost and hoary with snow, without the boundaries of their charter; outcasts from all human society; and coasted five weeks together, in the dead of winter, on this tempestuous shore, exposed at once to the fury of the elements, to the arrows of the native savage, and to the impending horrors of famine.

Courage and perseverance have a magical talisman, before which difficulties disappear, and obstacles vanish into air. These qualities have ever been displayed in their mightiest perfection, as attendants in the retinue of strong passions. From the first discovery of the western hemisphere by Columbus, until the settlement of Virginia, which immediately preceded that of Plymouth, the various adventurers from the ancient world had exhibited, upon innumerable occasions, that ardor of enterprise and that stubbornness of pursuit, which set all danger at defiance, and chain the violence of nature at their feet. But they were all instigated by personal interests. Avarice and ambition had tuned their souls to that pitch of exaltation. Selfish passions were the parents of their heroism. It was reserved for the first settlers of New England to perform achievements equally arduous, to trample down obstructions equally formidable, to dispel

dangers equally terrific, under the single inspiration of conscience. To them, even liberty herself was but a subordinate and secondary consideration. They claimed exemption from the mandates of human authority, as militating with their subjection to a superior power. Before the voice of heaven they silenced even the calls of their country.

Yet, while so deeply impressed with the sense of religious obligation, they felt, in all its energy, the force of that tender tie which binds the heart of every virtuous man to his native land. It was to renew that connection with their country which had been severed by their compulsory expatriation, that they resolved to face all the hazards of a perilous navigation, and all the labors of a toilsome distant settlement. Under the mild protection of the Batavian government they enjoyed already that freedom of religious worship, for which they had resigned so many comforts and enjoyments at home: but their hearts panted for a restoration to the bosom of their country. Invited and urged by the open-hearted and truly benevolent people, who had given them an asylum from the persecution of their own kindred, to form their settlement within the territories then under their jurisdiction; the love of their country predominated over every influence save that of conscience alone, and they preferred the precarious chance of relaxation from the bigoted rigor of the English government to the certain liberality and alluring offers of the Hollanders. Observe, my countrymen, the generous patriotism, the cordial union of soul, the conscious, yet unaffected vigor, which beam in their application to the British monarch. "They were well weaned from the delicate milk of their mother-country, and inured to the difficulties of a strange land. They were knit together in a strict and sacred bond, to take care of the good of each other and of the whole. It was not with them as with other men, whom small things could discourage, or small discontents cause to wish themselves again at home." Children of these exalted Pilgrims! Is there one among you, who can hear the simple and pathetic energy of these expressions without tenderness and admiration? Venerated shades of our forefathers! No! ye were, indeed, not ordinary men! That country which had ejected you so cruelly from her bosom, you still delighted to contemplate in the character of an affectionate and beloved mother. The sacred bond which knit

you together was indissoluble while you lived; and oh! may it be to your descendants the example and the pledge of harmony to the latest period of time! The difficulties and dangers, which so often had defeated attempts of similar establishments, were unable to subdue souls tempered like yours. You heard the rigid interdictions; you saw the menacing forms of toil and danger, forbidding your access to this land of promise: but you heard without dismay; you saw and disdained retreat. Firm and undaunted in the confidence of that sacred bond; conscious of the purity, and convinced of the importance of your motives, you put your trust in the protecting shield of Providence, and smiled defiance at the combining terrors of human malice and of elemental strife. These, in the accomplishment of your undertaking, you were summoned to encounter in their most hideous forms; these you met with that fortitude, and combated with that perseverance which you had promised in their anticipation: these you completely vanquished in establishing the foundations of New England, and the day which we now commemorate is the perpetual memorial of your triumph.

It were an occupation, peculiarly pleasing, to cull from our early historians, and exhibit before you every detail of this transaction. To carry you in imagination on board their bark at the first moment of her arrival in the bay; to accompany Carver, Winslow, Bradford and Standish, in all their excursions upon the desolate coast; to follow them into every rivulet and creek where they endeavored to find a firm footing, and to fix, with a pause of delight and exultation, the instant when the first of these heroic adventurers alighted on the spot where you, their descendants, now enjoy the glorious and happy reward of their labors. But in this grateful task, your former orators, on this anniversary, have anticipated all that the most ardent industry could collect, and gratified all that the most inquisitive curiosity could desire. To you, my friends, every occurrence of that momentous period is already familiar. A transient allusion to a few characteristic incidents, which mark the peculiar history of the Plymouth settlers, may properly supply the place of a narrative, which, to this auditory, must be superfluous.

One of these remarkable incidents is the execution of that instrument of government by which they formed themselves into a body politic, the day after their arrival upon the coast, and pre-

vious to their first landing. This is, perhaps, the only instance, in human history, of that positive, original social compact, which speculative philosophers have imagined as the only legitimate source of government. Here was a unanimous and personal assent, by all the individuals of the community, to the association by which they became a nation. It was the result of circumstances and discussions, which had occurred during their passage from Europe, and is a full demonstration that the nature of civil government, abstracted from the political institutions of their native country, had been an object of their serious meditation. The settlers of all the former European colonies had contented themselves with the powers conferred upon them by their respective charters, without looking beyond the seal of the royal parchment for the measure of their rights, and the rule of their duties. The founders of Plymouth had been impelled by the peculiarities of their situation to examine the subject with deeper and more comprehensive research. After twelve years of banishment from the land of their first allegiance, during which they had been under an adoptive and temporary subjection to another sovereign, they must naturally have been led to reflect upon the relative rights and duties of allegiance and subjection. They had resided in a city, the seat of a university, where the polemical and political controversies of the time were pursued with uncommon fervor. In this period they had witnessed the deadly struggle between the two parties, into which the people of the United Provinces, after their separation from the crown of Spain, had divided themselves. The contest embraced within its compass not only theological doctrines, but political principles, and Maurice and Barneveld were the temporal leaders of the same rival factions, of which Episcopius and Polyander were the ecclesiastical champions. That the investigation of the fundamental principles of government was deeply implicated in these dissensions is evident from the immortal work of Grotius, upon the rights of war and peace, which undoubtedly originated from them. Grotius himself had been a most distinguished actor and sufferer in those important scenes of internal convulsion, and his work was first published very shortly after the departure of our forefathers from Leyden. It is well known that, in the course of the contest, Mr. Robinson more than once appeared, with credit to himself, as a public disputant against Episcopius; and

from the manner in which the fact is related by Governor Bradford, it is apparent that the whole English Church at Leyden took a zealous interest in the religious part of the controversy. As strangers in the land, it is presumable that they wisely and honorably avoided entangling themselves in the political contentions involved with it. Yet the theoretic principles, as they were drawn into discussion, could not fail to arrest their attention, and must have assisted them to form accurate ideas concerning the origin and extent of authority among men, independent of positive institutions. The importance of these circumstances will not be duly weighed without taking into consideration the state of opinions then prevalent in England. The general principles of government were there little understood and less examined. The whole substance of human authority was centred in the simple doctrine of royal prerogative, the origin of which was always traced in theory to divine institution. Twenty years later, the subject was more industriously sifted, and for half a century became one of the principal topics of controversy between the ablest and most enlightened men in the nation. The instrument of voluntary association, executed on board the Mayflower, testifies that the parties to it had anticipated the improvement of their nation.

Another incident, from which we may derive occasion for important reflections, was the attempt of these original settlers to establish among them that community of goods and of labor, which fanciful politicians, from the days of Plato to those of Rousseau, have recommended as the fundamental law of a perfect republic. This theory results, it must be acknowledged, from principles of reasoning most flattering to the human character. If industry, frugality, and disinterested integrity were alike the virtues of all, there would, apparently, be more of the social spirit, in making all property a common stock, and giving to each individual a proportional title to the wealth of the whole. Such is the basis upon which Plato forbids, in his republic, the division of property. Such is the system upon which Rousseau pronounces the first man who enclosed a field with a fence, and said, this is mine, a traitor to the human species. A wiser and more useful philosophy, however, directs us to consider man according to the nature in which he was formed; subject to infirmities, which no wisdom can remedy; to weaknesses, which

no institution can strengthen; to vices, which no legislation can correct. Hence it becomes obvious, that separate property is the natural and indisputable right of separate exertion; that community of goods without community of toil is oppressive and unjust; that it counteracts the laws of nature, which prescribe, that he only who sows the seed shall reap the harvest; that it discourages all energy, by destroying its rewards; and makes the most virtuous and active members of society, the slaves and drudges of the worst. Such was the issue of this experiment among our forefathers, and the same event demonstrated the error of the system in the elder settlement of Virginia. Let us cherish that spirit of harmony, which prompted our forefathers to make the attempt, under circumstances more favorable to its success than, perhaps, ever occurred upon earth. Let us no less admire the candor with which they relinquished it, upon discovering its irremediable inefficacy. To found principles of government upon too advantageous an estimate of the human character, is an error of inexperience, the source of which is so amiable, that it is impossible to censure it with severity. We have seen the same mistake, committed in our own age, and upon a larger theatre. Happily for our ancestors, their situation allowed them to repair it, before its effects had proved destructive. They had no pride of vain philosophy to support, no perfidious rage of faction to glut, by persevering in their mistakes, until they should be extinguished in torrents of blood.

As the attempt to establish among themselves the community of goods was a seal of that sacred bond which knit them so closely together, so the conduct they observed towards the natives of the country displays their steadfast adherence to the rules of justice, and their faithful attachment to those of benevolence and charity.

No European settlement, ever formed upon this continent, has been more distinguished for undeviating kindness and equity towards the savages. There are, indeed, moralists who have questioned the right of the Europeans to intrude upon the possessions of the aboriginals in any case, and under any limitations whatsoever. But have they maturely considered the whole subject? The Indian right of possession itself stands, with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields; their constructed habitations; a space of

ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, were undoubtedly, by the laws of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of ten thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of a world? Shall he forbid the wilderness to blossom like the rose? Shall he forbid the oaks of the forest to fall before the axe of industry, and rise again, transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howlings of the tiger and the wolf silence forever the voice of human gladness? Shall the fields and the valleys, which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hand of nature, as channels of communication between numerous nations, roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors, a thousand leagues of coast, and a boundless ocean, been spread in the front of this land, and shall every purpose of utility, to which they could apply, be prohibited by the tenant of the woods? No, generous philanthropist! Heaven has not been thus inconsistent in the works of its hands! Heaven has not thus placed at irreconcilable strife, its moral laws with its physical creation! The Pilgrims of Plymouth obtained their right of possession to the territory, on which they settled, by titles as fair and unequivocal as any human property can be held. By their voluntary association they recognized their allegiance to the government of Britain, and in process of time, received whatever powers and authorities could be conferred upon them by a charter from their sovereign. The spot on which they fixed had belonged to an Indian tribe, totally extirpated by that devouring pestilence which had swept the country, shortly before their arrival. The territory, thus free from all exclusive possession, they might have taken by the natural right of occupancy.

Desirous, however, of giving ample satisfaction to every pretence of prior right, by formal and solemn conventions with the chiefs of the neighboring tribes, they acquired the further security of a purchase. At their hands the children of the desert had no cause of complaint. On the great day of retribution, what thousands, what millions of the American race will appear at the bar of judgment to arraign their European, invading conquerors! Let us humbly hope that the fathers of the Plymouth colony will then appear in the whiteness of innocence. Let us indulge in the belief that they will not only be free from all accusation of injustice to these unfortunate sons of nature, but that the testimonials of their acts of kindness and benevolence towards them will plead the cause of their virtues, as they are now authenticated by the records of history upon earth.

Religious discord has lost her sting; the cumbrous weapons of theological warfare are antiquated: the field of politics supplies the alchemists of our times with materials of more fatal explosion, and the butchers of mankind no longer travel to another world for instruments of cruelty and destruction. Our age is too enlightened to contend upon topics, which concern only the interests of eternity; and men who hold in proper contempt all controversies about trifles, except such as inflame their own passions, have made it a common-place censure against your ancestors, that their zeal was enkindled by subjects of trivial importance; and that however aggrieved by the intolerance of others, they were alike intolerant themselves. Against these objections, your candid judgment will not require an unqualifid justification; but your respect and gratitude for the founders of the State may boldly claim an ample apology. The original grounds of their separation from the Church of England, were not objects of a magnitude to dissolve the bonds of communion; much less those of charity, between Christian brethren of the same essential principles. Some of them, however, were not inconsiderable, and numerous inducements concurred to give them an extraordinary interest in their eyes. When that portentous system of abuses, the papal dominion, was overturned, a great variety of religious sects arose in its stead, in the several countries, which for many centuries before had been screwed beneath its subjection. The fabric of the Reformation, first undertaken in England upon a contracted basis, by a capricious and san-

guinary tyrant, had been successively overthrown and restored, renewed and altered according to the varying humors and principles of four successive monarchs. To ascertain the precise point of division between the genuine institutions of Christianity, and the corruptions accumulated upon them in the progress of fifteen centuries, was found a task of extreme difficulty throughout the Christian world. Men of the profoundest learning, of the sublimest genius, and of the purest integrity, after devoting their lives to the research, finally differed in their ideas upon many great points, both of doctrine and discipline. The main question, it was admitted on all hands, most intimately concerned the highest interests of man, both temporal and eternal. Can we wonder, that men who felt their happiness here and their hopes of hereafter, their worldly welfare and the kingdom of heaven at stake, should sometimes attach an importance beyond their intrinsic weight to collateral points of controversy, connected with the all-involving object of the Reformation? The changes in the forms and principles of religious worship were introduced and regulated in England by the hand of public authority. But that hand had not been uniform or steady in its operations. During the persecutions inflicted in the interval of Popish restoration under the reign of Mary, upon all who favored the Reformation, many of the most zealous reformers had been compelled to fly their country. While residing on the Continent of Europe they had adopted the principles of the most complete and rigorous reformation, as taught and established by Calvin. On returning afterwards to their native country they were dissatisfied with the partial reformation, at which, as they conceived, the English establishment had rested, and claiming the privileges of private conscience, upon which alone any departure from the Church of Rome could be justified, they insisted upon the right of adhering to the system of their own preference, and of course, upon that of non-conformity to the establishment prescribed by the royal authority. The only means used to convince them of error, and reclaim them from dissent, was force, and force served but to confirm the opposition it was meant to suppress. By driving the founders of the Plymouth colony into exile, it constrained them to absolute separation from the Church of England, and by the refusal afterwards to allow them a positive toleration, even in this American wilderness, the council of James I

rendered that separation irreconcilable. Viewing their religious liberties here, as held only upon sufferance, yet bound to them by all the ties of conviction, and by all their sufferings for them, could they forbear to look upon every dissenter among themselves with a jealous eye? Within two years after their landing they beheld a rival settlement attempted in their immediate neighborhood; and not long after, the laws of self-preservation compelled them to break up a nest of revellers, who boasted of protection from the mother-country, and who had recurred to the easy, but pernicious resource of feeding their wanton idleness by furnishing the savages with the means, the skill, and the instruments of European destruction. Toleration, in that instance, would have been self-murder, and many other examples might be alleged, in which their necessary measures of self-defence have been exaggerated into cruelty, and their most indispensable precautions distorted into persecution. Yet shall we not pretend that they were exempt from the common laws of mortality, or entirely free from all the errors of their age. Their zeal might sometimes be too ardent, but it was always sincere. At this day, religious indulgence is one of our clearest duties, because it is one of our undisputed rights. While we rejoice that the principles of genuine Christianity have so far triumphed over the prejudices of a former generation, let us fervently hope for the day when it will prove equally victorious over the malignant passions of our own.

In thus calling your attention to some of the peculiar features in the principles, the character, and the history of your forefathers, it is as wide from my design, as I know it would be from your approbation, to adorn their memory with a chaplet plucked from the domain of others. The occasion and the day are more peculiarly devoted to them, but let it never be dishonored with a contracted and exclusive spirit. Our affections as citizens embrace the whole extent of the Union, and the names of Raleigh, Smith, Winthrop, Calvert, Penn and Oglethorpe, excite in our minds recollections equally pleasing, and gratitude equally fervent with those of Carver and Bradford. Two centuries have not yet elapsed since the first European foot touched the soil which now constitutes the American Union. Two centuries more and our numbers must exceed those of Europe herself. The destinies of this empire, as they appear in prospect before us,

disdain the powers of human calculation. Yet, as the original founder of the Roman state is said once to have lifted upon his shoulders the fame and fortunes of all his posterity, so let us never forget that the glory and greatness of all our descendants are in our hands. Preserve, in all their purity, refine, if possible, from all their alloy, those virtues which we this day commemorate as the ornament of our forefathers. Adhere to them with inflexible resolution, as to the horns of the altar; instil them with unwearied perseverance into the minds of your children; bind your souls and theirs to the national Union as the chords of life are centred in the heart, and you shall soar with rapid and steady wing to the summit of human glory. Nearly a century ago, one of those rare minds to whom it is given to discern future greatness in its seminal principles, upon contemplating the situation of this continent, pronounced in a vein of poetic inspiration,

"Westward the star of empire takes its way."

Let us unite in ardent supplications to the Founder of nations, and the Builder of worlds, that what then was prophecy, may continue unfolding into history—that the dearest hopes of the human race may not be extinguished in disappointment, and that the last may prove the noblest empire of time.

SPEECH AT VINCENNES

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SPEECH TO GENERAL PROCTOR

—

BY

TECUMSEH

TECUMSEH

1768—1813

It is seldom that an uncivilized people produces a leader with the ability to reason in the abstract, to take broad views of men and things, to see into the future—qualities that belong essentially to true statesmanship. Such qualities come and go with civilization, and are born of books and leisure, and of the amenities of art and social intercourse. But occasionally there crosses history's page some rare genius, with an ability and insight far beyond his race. To this category belong Toussaint L'Ouverture, among the West Indian slaves, and the subject of this sketch, Tecumseh, among the North American Indians.

Tecumseh, or Tecumtha, was born on the banks of the Scioto River, near the present site of Springfield, Ohio, about the year 1768. He was of the Shawnee tribe. While he was a child his father was killed in battle. During an engagement with Kentucky troops, when he was twenty years of age, he is said to have fled at first fire, but he amply redeemed himself in the campaign that was concluded by the treaty of Greenville in 1795.

Tecumseh's importance as a historical character began in 1805, when he conceived and began to carry into execution a plan to unite all the tribes of the West against the growing and hostile aggression of the whites. He denounced as illegal the treaties embodying cessions of lands to settlers, claiming that the soil, being the common property of all tribes, could only be alienated by common consent. Several causes, chief among which were the ejection of the Indians from their lands by speculators, and the work of British emissaries, stirred up discontent among them. By arousing the tribes from Lake Erie to the Gulf of Mexico the brothers soon had a large following. Tecumseh's interview with the Governor of the Northwest Territory, General Harrison, in August, 1810, is a well-authenticated matter of history. No satisfactory conclusion was reached. And while the Indian chief was still on his errand of enlisting the aid of the Creeks, Choctaws, and Cherokees, the defeat in the battle of Tippecanoe frustrated his plans. He now set out for the South to continue his efforts among the Southern tribes and attended a great council at Toockabatcha in the autumn of 1812, where he delivered a passionate speech inciting the Creeks to a war which brought on their defeat and ultimate ruin.

Tecumseh now offered his services to the English and was made commander of the Indian forces and later a brigadier-general. He led his warriors in the siege of Fort Meigs, where he saved the American prisoners from massacre. He was killed in the battle of the Thames in 1813, where he commanded the right wing of the British forces.

The "Speech at Vincennes" and the "Speech to General Proctor" are good examples of Indian eloquence. The Indian nature is filled with the solemn poetry of the woods and mountains, and in the speeches of Indian orators there is always an under-current of poetry. But of the finer arts of the orator, the catchy phrases and little eloquent turns, they know nothing. They always go straight to the heart of the matter, never leaving the main thread of discourse.

SPEECH AT VINCENNES*

IT is true I am a Shawanee. My forefathers were warriors. Their son is a warrior. From them I only take my existence; from my tribe I take nothing. I am the maker of my own fortune; and oh! that I could make that of my red people, and of my country, as great as the conceptions of my mind, when I think of the Spirit that rules the universe. I would not then come to Governor Harrison, to ask him to tear the treaty and to obliterate the landmark; but I would say to him, sir you have liberty to return to your own country. The being within, communing with past ages, tells me that once, nor until lately, there was no white man on this continent. That it then all belonged to red men, children of the same parents, placed on it by the Great Spirit that made them, to keep it, to traverse it, to enjoy its productions, and to fill it with the same race. Once a happy race. Since made miserable by the white people, who are never contented, but always encroaching. The way, and the only way to check and to stop this evil, is for all the red men to unite in claiming a common and equal right in the land as it was at first, and should be yet; for it never was divided, but belongs to all for the use of each. That no part has a right to sell, even to each other, much less to strangers; those who want all, and will not do with less.

The white people have no right to take the land from the Indians, because they had it first; it is theirs. They may sell, but all must join. Any sale not made by all is not valid. The late sale is bad. It was made by a part only. Part do not know how to sell. It requires all to make a bargain for all. All red

*[In 1809 Governor Harrison purchased of the Delawares and other tribes of Indians, a large tract of country on both sides of the Wabash, and extending up the river sixty miles above Vincennes. Tecumseh was absent during the time of the negotiation, and at his return expressed great dissatisfaction with the sale. On the twelfth of August of the next year (1810) he met the governor in council at Vincennes, when he addressed him in the speech here given. —EDITOR.]

men have equal rights to the unoccupied land. The right of occupancy is as good in one place as in another. There cannot be two occupations in the same place. The first excludes all others. It is not so in hunting or travelling; for there the same ground will serve many, as they may follow each other all day; but the camp is stationary, and that is occupancy. It belongs to the first who sits down on his blanket or skins which he has thrown upon the ground; and till he leaves it no other has a right.

SPEECH TO GENERAL PROCTOR*

FATHER, listen to your children! you have them now all before you. The war before this our British father gave the hatchet to his red children when old chiefs were alive. They are now dead. In that war our father was thrown on his back by the Americans, and our father took them by the hand without our knowledge; and we are afraid that our father will do so again at this time.

Summer before last, when I came forward with my red brethren, and was ready to take up the hatchet, in favor of our British father, we were told not to be in a hurry, that he had not yet determined to fight the Americans.

Listen! When war was declared our father stood up and gave us the tomahawk, and told us that he was ready to strike the Americans; that he wanted our assistance, and that he would certainly get us our lands back, which the Americans had taken from us.

Listen! You told us, at that time, to bring forward our families to this place, and we did so: and you promised to take care of them, and that they should want for nothing, while the men would go and fight the enemy. That we need not trouble ourselves about the enemy's garrisons; that we knew nothing about them, and that our father would attend to that part of the business. You also told your red children that you would take good care of your garrison here, which made our hearts glad.

Listen! When we were last at the Rapids, it is true we gave you little assistance. It is hard to fight people who live like ground-hogs.

Father, listen! Our fleet has gone out; we know they have

* [This speech, "in the name of the Indian chiefs and warriors to Major-General Proctor, as the representative of their Great Father—the King," is supposed to have been delivered a short time prior to the battle of the Thames, on October 5, 1813.—EDITOR.]

fought; we have heard the great guns; but know nothing of what has happened to our father with one arm. Our ships have gone one way, and we are much astonished to see our father tying up everything and preparing to run away the other, without letting his red children know what his intentions are. You always told us to remain here and take care of our lands. It made our hearts glad to hear that was your wish. Our great father, the King, is the head, and you represent him. You always told us that you would never draw your foot off British ground; but now, father, we see you are drawing back, and we are sorry to see our father doing so without seeing the enemy. We must compare our father's conduct to a fat animal that carries its tail upon its back, but when affrighted, it drops it between its legs and runs off.

Listen, father! The Americans have not yet defeated us by land; neither are we sure that they have done so by water—we therefore wish to remain here and fight our enemy, should they make their appearance. If they defeat us, we will then retreat with our father.

At the battle of the Rapids, last war, the Americans certainly defeated us; and when we retreated to our father's fort in that place, the gates were shut against us. We were afraid that it would now be the case, but instead of that, we now see our British father preparing to march out of his garrison.

Father! You have got the arms and ammunition which our great father sent for his red children. If you have an idea of going away, give them to us, and you may go and welcome, for us. Our lives are in the hands of the Great Spirit. We are determined to defend our lands, and if it is his will, we wish to leave our bones upon them.

OUR ATTITUDE TOWARDS GREAT BRITAIN

BY

JOHN RANDOLPH

JOHN RANDOLPH

1773-1833

John Randolph, of Roanoke, was descended from one of the most prominent families of Virginia, being the third son of John Randolph, of Cawsons, in Chesterfield County. He was born June 2, 1773, and had the misfortune to lose his father in his infancy. He was never thoroughly educated, although he passed from the local Southern schools to Columbia College, New York. He was, however, well read in modern speculative literature, yet always considered himself an ignorant man. He always manifested an excessive earnestness in disseminating extremely unconventional views both on politics and religion, and had an equal aversion for the Constitution of the United States and the doctrines of Christianity, as generally taught in his day. Gifted with boundless self-assurance, and a considerable command of language, he early set himself forward as a champion of States' rights. In 1799 he was sent to Congress as a Democrat, and on the election of Jefferson to the presidency, in 1801 was appointed to office as chairman of the committee of ways and means. Randolph had the manners of a self-conscious aristocrat, too inconsiderate of the personal feelings or the rights of others. He was witty and quick in debate; there was considerable brilliancy in his style of eloquence, which was however sometimes overstrained. His ungovernable temper, his bitterness of language and his absurdly exaggerated ideas of the right of Virginia to protest against the exercise of national powers by the Executive at Washington, alternately provoked ridicule and indignation, and kept Randolph from reaching that station in national politics for which perhaps his influential position in Virginia and his natural abilities fitted him. He violently opposed the war with England in 1812, and was not returned to Congress in 1813. But the sober second thoughts of his constituency acknowledged him to have been in the right, and he was duly elected in 1815. Entering the Senate in 1825, he sat with that body for two years, and in 1830 he was Minister to Russia. He died of consumption at Philadelphia, in 1833, before he could take his seat in Congress to which he had been elected some months before. He seems to have been opposed to slavery all his life, although a slaveholder, and by his will he manumitted his slaves.

For several years preceding the War of 1812 there was much discussion in both houses of Congress as to the attitude which the United States should take with regard to England. The famous speech which John Randolph delivered on March 5, 1806, and which was uttered in opposition to the war resolution of Mr. Gregg, is the most powerful and the most characteristic of all his utterances. Although it was not well received by his countrymen, it made many friends for him in England, and when he visited that country for his health in 1821 he was received with every expression of esteem and admiration.

The principal characteristic of John Randolph was his strong individuality, and independence of judgment. That there were ragged edges to his character is quite true. No strong man struggling with the political issues of a stormy period can refrain from vehemence and denunciation on occasions. Randolph has been accused of being a pessimist, but a passionate anxiety for the welfare of his country is a fault which may be forgiven a sincere patriot, who foresees the evils that threaten her through the imminence of war.

OUR ATTITUDE TOWARDS GREAT BRITAIN

Delivered in the House of Representatives, March 5, 1806[1]

I AM extremely afraid, sir, that so far as it may depend on my acquaintance with details connected with the subject, I have very little right to address you; for, in truth, I have not yet seen the document from the Treasury, which were called for some time ago, to direct the judgment of this House in the decision of the question now before you; and indeed, after what I have this day heard, I no longer require that document, or any other document; indeed, I do not know that I ever should have required it, to vote on the resolution of the gentleman from Pennsylvania. If I had entertained any doubts, they would have been removed by the style in which the friends of the resolution have this morning discussed it. I am perfectly aware, that upon entering on this subject, we go into it manacled, handcuffed, and tongue-tied. Gentlemen know that our lips are sealed on subjects of momentous foreign relations, which are indissolubly linked with the present question, and which would serve to throw a great light on it in every respect relevant to it. I will, however, endeavor to hobble over the subject, as well as my fettered limbs and palsied tongue will enable me to do it.

I am not surprised to hear this resolution discussed by its

[1] Mr. Gregg offered the following resolution in the House on January 29, 1806: "Whereas Great Britain impresses citizens of the United States, and compels them to serve on board her ships of war, and also seizes and condemns vessels belonging to the citizens of the United States, and their cargoes, being the bona fide property of American citizens, not contraband of war, and not proceeding to places besieged or blockaded, under the pretext of their being engaged in time of war in a trade with her enemies, which was not allowed in time of peace:

"And whereas the Government of the United States has repeatedly remonstrated to the British Government against these injuries, and demanded satisfaction therefor, but without effect: Therefore—Resolved, That until equitable and satisfactory arrangements on these points shall be made between the two governments, it is expedient that, from and after the —— day of —— next, no goods, wares or merchandise, of the growth, product or manufacture of Great Britain, or any of the colonies or dependencies thereof, ought to be imported into the United States; provided, however, that whenever arrangements deemed satisfactory by the President of the United States shall take place, it shall be lawful for him by proclamation to fix a day on which the prohibition aforesaid shall cease." Mr. Randolph's speech was made in opposition to this resolution.

friends as a war measure. They say, it is true, that it is not a war measure; but they defend it on principles which would justify none but war measures, and seem pleased with the idea that it may prove the forerunner of war. If war is necessary; if we have reached this point, let us have war. But while I have life, I will never consent to these incipient war measures, which in their commencement breathe nothing but peace, though they plunge us at last into war. It has been well observed by the gentleman from Pennsylvania, behind me [Mr. J. Clay], that the situation of this nation in 1793 was in every respect different from that in which it finds itself in 1806. Let me ask, too, if the situation of England is not since materially changed? Gentlemen, who, it would appear from their language, have not got beyond the horn-book of politics, talk of our ability to cope with the British navy, and tell us of the war of our revolution. What was the situation of Great Britain then? She was then contending for the empire of the British Channel, barely able to maintain a doubtful equality with her enemies, over whom she never gained the superiority until Rodney's victory of the twelfth of April. What is her present situation? The combined fleets of France, Spain, and Holland, are dissipated; they no longer exist. I am not surprised to hear men advocate these wild opinions, to see them goaded on by a spirit of mercantile avarice, straining their feeble strength to excite the nation to war, when they have reached this stage of infatuation, that we are an over-match for Great Britain on the ocean. It is mere waste of time to reason with such persons. They do not deserve anything like serious refutation. The proper arguments for such statesmen are a strait waistcoat, a dark room, water-gruel, and depletion.

It has always appeared to me that there are three points to be considered, and maturely considered, before we can be prepared to vote for the resolution of the gentleman from Pennsylvania. First. Our ability to contend with Great Britain for the question in dispute. Secondly. The policy of such a contest: and thirdly. In case both these shall be settled affirmatively, the manner in which we can, with the greatest effect, react upon and annoy our adversary.

Now the gentleman from Massachusetts [Mr. Crowninshield] has settled at a single sweep, to use one of his favorite

expressions, not only that we are capable of contending with Great Britain on the ocean, but that we are actually her superior. Whence does the gentleman deduce this inference? Because, truly, at that time, when Great Britain was not mistress of the ocean, when a North was her prime minister, and a Sandwich the first lord of her admiralty; when she was governed by a counting-house administration, privateers of this country trespassed on her commerce. So, too, did the cruisers of Dunkirk. At that day Suffrein held the mastery of the Indian seas. But what is the case now? Do gentlemen remember the capture of Cornwallis on land, because De Grasse maintained the dominion of the ocean? To my mind no position is more clear, than that if we go to war with Great Britain, Charleston and Boston, the Chesapeake and the Hudson, will be invested by British squadrons. Will you call on the Count de Grasse to relieve them? or shall we apply to Admiral Gravina, or Admiral Villeneuve, to raise the blockade? But you have not only a prospect of gathering glory, and, what seems to the gentleman from Massachusetts much dearer, to profit by privateering, but you will be able to make a conquest of Canada and Nova Scotia. Indeed? Then, sir, we shall catch a Tartar. I confess, however, I have no desire to see the senators and the representatives of the Canadian French, or of the tories and refugees of Nova Scotia, sitting on this floor, or that of the other House—to see them becoming members of the Union, and participating equally in our political rights. And on what other principle would the gentleman from Massachusetts be for incorporating those provinces with us? Or on what other principle could it be done under the constitution? If the gentleman has no other bounty to offer us for going to war, than the incorporation of Canada and Nova Scotia with the United States, I am for remaining at peace.

What is the question in dispute? The carrying trade. What part of it? The fair, the honest, and the useful trade that is engaged in carrying our own productions to foreign markets, and bringing back their productions in exchange? No, sir; it is that carrying trade which covers enemy's property, and carries the coffee, the sugar, and other West India products, to the mother-country. No, sir; if this great agricultural nation is to be governed by Salem and Boston, New York and Philadel-

phia, and Baltimore and Norfolk and Charleston, let gentlemen come out and say so; and let a committee of public safety be appointed from those towns to carry on the government. I, for one, will not mortgage my property and my liberty to carry on this trade. The nation said so seven years ago; I said so then, and I say so now. It is not for the honest carrying-trade of America, but for this mushroom, this fungus of war, for a trade which, as soon as the nations of Europe are at peace, will no longer exist; it is for this that the spirit of avaricious traffic would plunge us into war.

I am forcibly struck on this occasion by the recollection of a remark made by one of the ablest, if not honestest, ministers that England ever produced. I mean Sir Robert Walpole, who said that the country gentlemen, poor, meek souls! came up every year to be sheared; that they laid mute and patient whilst their fleeces were taking off; but that if he touched a single bristle of the commercial interest, the whole stye was in an uproar. It was indeed shearing the hog—"great cry, and little wool."

But we are asked, are we willing to bend the neck to England; to submit to her outrages? No, sir; I answer, that it will be time enough for us to tell gentlemen what we will do to vindicate the violation of our flag on the ocean, when they shall have told us what they have done, in resentment of the violation of the actual territory of the United States by Spain, the true territory of the United States, not your new-fangled country over the Mississippi, but the good old United States—part of Georgia, of the old thirteen States, where citizens have been taken, not from our ships, but from our actual territory. When gentlemen have taken the padlock from our mouths, I shall be ready to tell them what I will do relative to our dispute with Britain, on the law of nations, on contraband, and such stuff.

I have another objection to this course of proceeding. Great Britain, when she sees it, will say the American people have great cause of dissatisfaction with Spain. She will see by the documents furnished by the President, that Spain has outraged our territory, pirated upon our commerce, and imprisoned our citizens; and she will inquire what we have done. It is true, she will receive no answer; but she must know what we have not done. She will see that we have not repelled these out-

rages, nor made any addition to our army and navy, nor even classed the militia. No, sir; not one of our militia generals in politics has marshalled a single brigade.

Although I have said it would be time enough to answer the question, which gentlemen have put to me, when they shall have answered mine; yet, as I do not like long prorogations, I will give them an answer now. I will never consent to go to war for that which I cannot protect. I deem it no sacrifice of dignity to say to the leviathan of the deep, we are unable to contend with you in your own element, but if you come within our actual limits, we will shed our last drop of blood in their defence. In such an event, I would feel, not reason; and obey an impulse which never has—which never can deceive me.

France is at war with England: suppose her power on the Continent of Europe no greater than it is on the ocean. How would she make her enemy feel it? There would be a perfect non-conductor between them. So with the United States and England; she scarcely presents to us a vulnerable point. Her commerce is carried on, for the most part, in fleets; where in single ships, they are stout and well armed; very different from the state of her trade during the American war, when her merchantmen became the prey of paltry privateers. Great Britain has been too long at war with the three most powerful maritime nations of Europe, not to have learnt how to protect her trade. She can afford convoy to it all; she has eight hundred ships in commission; the navies of her enemies are annihilated. Thus, this war has presented the new and curious political spectacle of a regular annual increase (and to an immense amount) of her imports and exports, and tonnage and revenue, and all the insignia of accumulating wealth, whilst in every former war, without exception, these have suffered a greater or less diminution. And wherefore? Because she has driven France, Spain, and Holland, from the ocean. Their marine is no more. I verily believe that ten English ships of the line would not decline a meeting with the combined fleets of those nations. I forewarn the gentleman from Massachusetts, and his constituents of Salem, that all their golden hopes are vain. I forewarn them of the exposure of their trade beyond the Cape of Good Hope (or now doubling it) to capture and confiscation; of their unprotected sea-port towns, exposed to contribution or bom-

bardment. Are we to be legislated into a war by a set of men, in six weeks after its commencement, may be compelled to take refuge with us in the country?

And for what? a mere fungus—a mushroom production of war in Europe, which will disappear with the first return of peace—an unfair truce. For is there a man so credulous as to believe that we possess a capital, not only equal to what may be called our own proper trade, but large enough also to transmit to the respective parent states, the vast and wealthy products of the French, Spanish, and Dutch colonies? 'Tis beyond the belief of any rational being. But this is not my only objection to entering upon this naval warfare. I am averse to a naval war with any nation whatever. I was opposed to the naval war of the last administration, and I am as ready to oppose a naval war of the present administrtion, should they meditate such a measure. What! shall this great mammoth of the American forest leave his native element, and plunge into the water in a mad contest with the shark? Let him beware that his proboscis is not bitten off in the engagement. Let him stay on shore, and not be excited by the mussels and periwinkles on the strand, or political bears, in a boat to venture on the perils of the deep. Gentlemen say, will you not protect your violated rights? and I say, why take to water, where you can neither fight nor swim? Look at France; see her vessels stealing from port to port, on her own coast; and remember that she is the first military power of the earth, and as a naval people, second only to England. Take away the British navy, and France to-morrow is the tyrant of the ocean.

This brings me to the second point. How far is it politic in the United States to throw their weight into the scale of France at this moment?—from whatever motive to aid the views of her gigantic ambition—to make her mistress of the sea and land—to jeopardize the liberties of mankind. Sir, you may help to crush Great Britain—you may assist in breaking down her naval dominion, but you cannot succeed to it. The iron sceptre of the ocean will pass into his hands who wears the iron crown of the land. You may then expect a new code of maritime law. Where will you look for redress? I can tell the gentleman from Massachusetts, that there is nothing in his rule of three that will save us, even although he should outdo himself,

and exceed the financial ingenuity which he so memorably displayed on a recent occasion. No, sir; let the battle of Actium be once fought, and the whole line of seacoast will be at the mercy of the conqueror. The Atlantic, deep and wide as it is, will prove just as good a barrier against his ambition, if directed against you, as the Mediterranean to the power of the Cæsars. Do I mean, when I say so, to crouch to the invader? No, I will meet him at the water's edge, and fight every inch of ground from thence to the mountains, from the mountains to the Mississippi. But after tamely submitting to an outrage on your domicile, will you bully and look big at an insult on your flag three thousand miles off?

But, sir, I have yet a more cogent reason against going to war for the honor of the flag in the narrow seas, or any other maritime punctilio. It springs from my attachment to the principles of the Government under which I live. I declare, in the face of day, that this Government was not instituted for the purposes of offensive war. No; it was framed, to use its own language, for the common defence and the general welfare, which are inconsistent with offensive war. I call that offensive war, which goes out of our jurisdiction and limits, for the attainment or protection of objects, not within those limits, and that jurisdiction. As, in 1798, I was opposed to this species of warfare, because I believed it would raze the constitution to the very foundation; so, in 1806, am I opposed to it, and on the same grounds. No sooner do you put the constitution to this use—to a test which it is by no means calculated to endure, than its incompetency to such purposes becomes manifest and apparent to all. I fear, if you go into a foreign war for a circuitous unfair carrying trade, you will come out without your constitution. Have you not contractors enough in this House? Or do you want to be overrun and devoured by commissaries, and all the vermin of contract? I fear, sir, that what are called the energy-men will rise up again—men who will burn the parchment. We shall be told that our Government is too free; or, as they would say, weak and inefficient. Much virtue, sir, in terms. That we must give the President power to call forth the resources of the nation; that is, to filch the last shilling from our pockets—to drain the last drop of blood from our veins. I am against giving this power to any man, be he who he may.

The American people must either withhold this power, or resign their liberties. There is no other alternative. Nothing but the most imperious necessity will justify such a grant. And is there a powerful enemy at our doors? You may begin with a first consul; from that chrysalis state he soon becomes an emperor. You have your choice. It depends upon your election, whether you will be a free, happy, and united people at home, or the light of your executive majesty shall beam across the Atlantic, in one general blaze of the public liberty.

For my part, I never will go to war but in self-defence. I have no desire for conquests—no ambition to possess Nova Scotia—I hold the liberties of this people at a higher rate. Much more am I indisposed to war, when among the first means for carrying it on, I see gentlemen propose the confiscation of debts due by Government to individuals. Does a bona fide creditor know who holds his paper? Dare any honest man ask himself the question? 'Tis hard to say whether such principles are more detestably dishonest, than they are weak and foolish. What, sir; will you go about with proposals for opening a loan in one hand, and a sponge for the national debt in the other? If, on a late occasion, you could not borrow at a less rate of interest than eight per cent. when the Government avowed that they would pay to the last shilling of the public ability, at what price do you expect to raise money with an avowal of these nefarious opinions?—God help you! if these are your ways and means for carrying on war—if your finances are in the hands of such a chancellor of the exchequer. Because a man can take an observation, and keep a log-book and a reckoning; can navigate a cock-boat to the West Indies, or the East; shall he aspire to navigate the great vessel of state—to stand at the helm of public councils? "*Ne sutor ultra crepidam.*" What are you going to war for? For the carrying trade. Already you possess seven-eighths of it. What is the object in dispute? The fair, honest trade, that exchanges the produce of our soil for foreign articles for home consumption? Not at all.

You are called upon to sacrifice this necessary branch of your navigation, and the great agricultural interest, whose handmaid it is, to jeopardize your best interests, for a circuitous commerce, for the fraudulent protection of belligerent property

under your neutral flag. Will you be goaded by the dreaming calculations of insatiate avarice, to stake your all for the protection of this trade? I do not speak of the probable effects of war on the price of our produce; severely as we must feel, we may scuffle through it. I speak of its reaction on the constitution. You may go to war for this excrescence of the carrying trade—and make peace at the expense of the constitution. Your executive will lord it over you, and you must make the best terms with the conqueror that you can. But the gentleman from Pennsylvania [Mr. Gregg] tells you that he is for acting in this, as in all things, uninfluenced by the opinion of any foreign minister whatever—foreign, or, I presume, domestic. On this head I am willing to meet the gentleman, am unwilling to be dictated to by any minister at home or abroad. Is he willing to act on the same independent footing? I have before protested, and I again protest, against secret, irresponsible, overruling influence. The first question I asked when I saw the gentleman's resolution was, "Is this a measure of the Cabinet?" Not an open, declared Cabinet, but an invisible, inscrutable, unconstitutional Cabinet—without responsibility, unknown to the constitution. I speak of back-stairs influence, of men who bring messages to this House, which, although they do not appear on the journals, govern its decisions. Sir, the first question that I asked on the subject of British relations was, what was the opinion of the Cabinet? What measures will they recommend to Congress (well knowing that whatever measures we might take, they must execute them, and therefore that we should have their opinion on the subject)? My answer was (and from a Cabinet minister too), "There is no longer any Cabinet." Subsequent circumstances, sir, have given me a personal knowledge of the fact. It needs no commentary.

But the gentleman has told you that we ought to go to war, if for nothing else, for the fur trade. Now, sir, the people on whose support he seems to calculate, follow, let me tell him, a better business; and let me add, that whilst men are happy at home reaping their own fields, the fruits of their labor and industry, there is little danger of their being induced to go sixteen or seventeen hundred miles in pursuit of beavers, raccoons or opossums—much less of going to war for the privilege. They are better employed where they are. This trade, sir, may be

important to Britain, to nations who have exhausted every resource of industry at home—bowed down by taxation and wretchedness. Let them, in God's name, if they please, follow the fur trade. They may, for me, catch every beaver in North America. Yes, sir, our people have a better occupation—a safe, profitable, honorable employment. Whilst they should be engaged in distant regions in hunting the beaver, they dread, lest those whose natural prey they are, should begin to hunt them—should pillage their property, and assassinate their constitution. Instead of these wild schemes, pay off your public debt, instead of prating about its confiscation. Do not, I beseech you, expose at once your knavery and your folly. You have more lands than you know what to do with—you have lately paid fifteen millions for yet more. Go and work them—and cease to alarm the people with the cry of wolf, until they become deaf to your voice, or at least laugh at you.

Mr. Chairman, if I felt less regard for what I deem the best interests of this nation, than for my own reputation, I should not, on this day, have offered to address you; but would have waited to come out, bedecked with flowers and bouquets of rhetoric, in a set speech. But, sir, I dread lest a tone might be given to the mind of the committee—they will pardon me, but I did fear from all that I could see, or hear, that they might be prejudiced by its advocates (under pretence of protecting our commerce) in favor of this ridiculous and preposterous project—I rose, sir, for one, to plead guilty—to declare in the face of day that I will not go to war for this carrying trade. I will agree to pass for an idiot, if this is not the public sentiment; and you will find it to your cost, begin the war when you will.

Gentlemen talk of 1793. They might as well go back to the Trojan war. What was your situation then? Then every heart beat high with sympathy for France—for republican France! I am not prepared to say, with my friend from Pennsylvania, that we were all ready to draw our swords in her cause, but I affirm that we were prepared to have gone great lengths. I am not ashamed to pay this compliment to the hearts of the American people, even at the expense of their understandings. It was a noble and generous sentiment, which nations, like individuals, are never the worse for having felt. They were, I repeat it, ready to make great sacrifices for France. And why

ready? because she was fighting the battles of the human race against the combined enemies of their liberty—because she was performing the part which Great Britain now, in fact, sustains—forming the only bulwark against universal dominion. Knock away her navy, and where are you? Under the naval despotism of France, unchecked, unqualified by any antagonizing military power—at best but a change of masters. The tyrant of the ocean, and the tyrant of the land, are one and the same, lord of all, and who shall say him nay, or wherefore doest thou this thing? Give to the tiger the properties of the shark, and there is no longer safety for the beasts of the forests, or the fishes of the sea. Where was this high anti-Britannic spirit of the gentleman from Pennsylvania, when his vote would have put an end to the British treaty, that pestilent source of evil to this country? and at a time, too, when it was not less the interest than the sentiment of this people to pull down Great Britain and exalt France. Then, when the gentleman might have acted with effect, he could not screw his courage to the sticking-place. Then, England was combined in what has proved a feeble, inefficient coalition, but which gave just cause of alarm to every friend of freedom. Now, the liberties of the human race are threatened by a single power, more formidable than the coalesced world, to whose utmost ambition, vast as it is, the naval force of Great Britain forms the only obstacle. I am perfectly sensible and ashamed of the trespass I am making on the patience of the committee; but as I know not whether it will be in my power to trouble them again on this subject, I must beg leave to continue my crude and desultory observations. I am not ashamed to confess that they are so.

At the commencement of this session we received a printed message from the President of the United States, breathing a great deal of national honor and indication of the outrages we had endured, particularly from Spain. She was specially named and pointed at. She had pirated upon your commerce, imprisoned your citizens, violated your actual territory, invaded the very limits solemnly established between the two nations, by the treaty of San Lorenzo. Some of the State legislatures (among others the very State on which the gentleman from Pennsylvania relies for support) sent forward resolutions pledging their lives, their fortunes, and their sacred honor, in sup-

port of any measures you might take in vindication of your injured rights. Well, sir, what have you done? You have had resolutions laid upon your table—gone to some expense of printing and stationery—mere pen, ink, and paper, and that's all. Like true political quacks, you deal only in handbills and nostrums. Sir, I blush to see the record of our proceedings; they resemble nothing but the advertisements of patent medicines. Here you have the "Worm-destroying Lozenges," there "Church's Cough Drops"—and, to crown the whole, "Sloan's Vegetable Specific," an infallible remedy for all nervous disorders and vertigoes of brain-sick politicians; each man earnestly adjuring you to give his medicine only a fair trial. If, indeed, these wonder-working nostrums could perform but one-half of what they promise, there is little danger of our dying a political death, at this time at least. But, sir, in politics as in physic, the doctor is ofttimes the most dangerous disease—and this I take to be our case at present.

But, sir, why do you talk of Spain? There are no longer Pyrenees. There exists no such nation—no such being as a Spanish king or minister. It is a mere juggle played off for the benefit of those who put the mechanism into motion. You know, sir, that you have no differences with Spain—that she is the passive tool of a superior power, to whom, at this moment, you are crouching. Are your differences indeed with Spain? And where are you going to send your political panacea (resolutions and handbills excepted), your sole arcanum of government—your king cure-all? To Madrid? No—you are not such quacks as not to know where the shoe pinches—to Paris. You know at least where the disease lies, and there apply your remedy. When the nation anxiously demands the result of your deliberations, you hang your heads and blush to tell. You are afraid to tell. Your mouth is hermetically sealed. Your honor has received a wound which must not take air. Gentlemen dare not come forward and avow their work, much less defend it in the presence of the nation. Give them all they ask, that Spain exists, and what then? After shrinking from the Spanish jackal, do you presume to bully the British lion? But here it comes out. Britain is your rival in trade, and governed, as you are, by counting-house politicians; you would sacrifice the paramount interests of

your country, to wound that rival. For Spain and France you are carriers—and from customers every indignity is to be endured. And what is the nature of this trade? Is it that carrying-trade which sends abroad the flour, tobacco, cotton, beef, pork, fish, and lumber of this country, and brings back in return foreign articles necessary for our existence or comfort? No, sir; 'tis a trade carried on, the Lord knows where or by whom—now doubling Cape Horn, now the Cape of Good Hope. I do not say that there is no profit in it—for it would not then be pursued—but 'tis a trade that tends to assimilate our manners and government to those of the most corrupt countries of Europe. Yes, sir; and when a question of great national magnitude presents itself to you, causes those who now prate about national honor and spirit, to pocket any insult —to consider it as a mere matter of debt and credit, a business of profit and loss—and nothing else.

The first thing that struck my mind when this resolution was laid on the table was, "*unde derivatur?*" a question always put to us at school—whence comes it? Is this only the putative father of the bantling he is taxed to maintain, or indeed the actual parent, the real progenitor of the child? or is it the production of the Cabinet? But I knew you had no Cabinet; no system. I had seen despatches, relating to vital measures, laid before you, the day after your final decision on those measures, four weeks after they were received; not only their contents, but their very existence, all that time, unsuspected and unknown to men, whom the people fondly believe, assist, with their wisdom and experience, at every important deliberation. Do you believe that this system, or rather this no system, will do? I am free to answer it will not. It cannot last. I am not so afraid of the fair, open, constitutional, responsible influence of government; but I shrink intuitively from this left-handed, invisible, irresponsible influence, which defies the touch, but pervades and decides everything. Let the executive come forward to the legislature; let us see whilst we feel it. If we cannot rely on its wisdom, is it any disparagement to the gentleman from Pennsylvania to say that I cannot rely upon him? No, sir, he has mistaken his talent. He is not the Palinurus on whose skill the nation, at this trying moment, can repose their confidence. I will have nothing to do with this paper; much

less will I indorse it, and make myself responsible for its goodness. I will not put my name to it. I assert that there is no cabinet, no system, no plan. That which I believe in one place, I shall never hesitate to say in another. This is no time, no place for mincing our steps. The people have a right to know; they shall know the state of their affairs—at least as far as I am at liberty to communicate them. I speak from personal knowledge. Ten days ago, there had been no consultation; there existed no opinion in your executive department; at least, none that was avowed. On the contrary, there was an express disavowal of any opinion whatsoever, on the great subject before you; and I have good reason for saying, that none has been formed since. Some time ago a book was laid on our tables, which, like some other bantlings, did not bear the name of its father. Here I was taught to expect a solution of all doubts; an end to all our difficulties. If, sir, I were the foe, as I trust I am the friend, to this nation, I would exclaim, "Oh! that mine enemy would write a book." At the very outset, in the very first page, I believe, there is a complete abandonment of the principle in dispute. Has any gentleman got the work? [It was handed by one of the members.] The first position taken, is the broad principle of the unlimited freedom of trade, between nations at peace, which the writer endeavors to extend to the trade between a neutral and a belligerent power; accompanied, however, by this acknowledgment: "But, inasmuch as the trade of a neutral with a belligerent nation might, in certain special cases, affect the safety of its antagonist, usage, founded on the principle of necessity, has admitted a few exceptions to the general rule." Whence comes the doctrine of contraband, blockade, and enemy's property? Now, sir, for what does that celebrated pamphlet, "War in Disguise," which is said to have been written under the eye of the British Prime Minister, contend, but this "principle of necessity?" And this is abandoned by this pamphleteer, at the very threshold of the discussion. But as if this were not enough, he goes on to assign as a reason for not referring to the authority of the ancients, that "the great change which has taken place in the state of manners, in the maxims of war, and in the course of commerce, makes it pretty certain"—(what degree of certainty is this?) "that either nothing will be found relating to the question, or nothing sufficiently

applicable to deserve attention in deciding it." Here, sir, is an apology of the writer for not disclosing the whole extent of his learning (which might have overwhelmed the reader), in the admission, that a change of circumstances (" in the course of commerce ") has made, and, therefore, will now justify, a total change of the law of nations. What more could the most inveterate advocate of English usurpation demand? What else can they require to establish all, and even more than they contend for? Sir, there is a class of men (we know them very well), who, if you only permit them to lay the foundation, will build you up, step by step, and brick by brick—very neat and showy, if not tenable arguments. To detect them, 'tis only necessary to watch their premises, where you will often find the point at issue totally surrendered, as in this case it is. Again: is the "*mare liberum*" anywhere asserted in this book—that free ships make free goods? No, sir; the right of search is acknowledged: that enemy's property is lawful prize is sealed and delivered. And after abandoning these principles, what becomes of the doctrine, that a mere shifting of the goods from one ship to another, the touching at another port, changes the property? Sir, give up this principle, and there is an end to the question. You lie at the mercy of the conscience of a court of admiralty. Is Spanish sugar, or French coffee, made American property by the mere change of the cargo, or even by the landing and payment of the duties? Does this operation effect a change of property? And when those duties are drawn back, and the sugars and coffee re-exported, are they not, as enemy's property, liable to seizure upon the principles of the " examination of the British doctrine," etc.? And is there not the best reason to believe, that this operation is performed in many, if not in most cases, to give a neutral aspect and color to the merchandise?

I am prepared, sir, to be represented as willing to surrender important rights of this nation to a foreign government. I have been told that this sentiment is already whispered in the dark, by time-servers and sycophants; but if your clerk dared to print them, I would appeal to your journals!—I would call for the reading of them; but that I know they are not for profane eyes to look upon. I confess that I am more ready to surrender to a naval power a square league of ocean, than to a ter-

ritorial one a square inch of land, within our limits; and I am ready to meet the friends of the resolution on this ground, at any time. Let them take off the injunction of secrecy. They dare not. They are ashamed and afraid to do it. They may give winks and nods, and pretend to be wise, but they dare not come out, and tell the nation what they have done. Gentlemen may take notes, if they please; but I will never, from any motives short of self-defence, enter upon war. I will never be instrumental to the ambitious schemes of Bonaparte; nor put into his hands what will enable him to wield the world; and on the very principle that I wished success to the French arms, in 1793. And wherefore? Because the case is changed. Great Britain can never again see the year 1760. Her Continental influence is gone forever. Let who will be uppermost on the Continent of Europe, she must find more than a counterpoise for her strength. Her race is run. She can only be formidable as a maritime power: and even as such, perhaps not long. Are you going to justify the acts of the last administration, for which they have been deprived of the government, at our instance? Are you going back to the ground of 1798-9?

I ask of any man who now advocates a rupture with England, to assign a single reason for his opinion, that would not have justified a French war in 1798. If injury and insult abroad would have justified it, we had them in abundance then. But what did the republicans say at that day? That under the cover of a war with France, the executive would be armed with a patronage and power which might enable it to master our liberties. They deprecated foreign war and navies, and standing armies, and loans, and taxes. The delirium passed away—the good sense of the people triumphed—and our differences were accommodated without a war. And what is there in the situation of England that invites to war with her? 'Tis true she does not deal so largely in perfectability, but she supplies you with a much more useful commodity—with coarse woollens. With less professions indeed, she occupies the place of France in 1793. She is the sole bulwark of the human race against universal dominion. No thanks to her for it. In protecting her own existence, she insures theirs. I care not who stands in this situation, whether England or Bonaparte —I practise the doctrines now, that I professed in 1798. Gen-

tlemen may hunt up the journals if they please—I voted against all such projects under the administration of John Adams, and I will continue to do so under that of Thomas Jefferson. Are you not contented with being free and happy at home? Or will you surrender these blessings, that your merchants may tread on Turkish and Persian carpets, and burn the perfumes of the East in their vaulted rooms? Gentlemen say, 'tis but an annual million lost, and even if it were five times that amount, what is it compared with your neutral rights? Sir, let me tell them a hundred millions will be but a drop in the bucket, if once they launch without rudder or compass, into this ocean of foreign warfare. Whom do they want to attack—England? They hope it is a popular thing, and talk about Bunker's Hill, and the gallant feats of our revolution. But is Bunker's Hill to be the theatre of war? No, sir, you have selected the ocean—and the object of attack is that very navy which prevented the combined fleets of France and Spain from levying contributions upon you in your own seas—that very navy which, in the famous war of 1798, stood between you and danger.

Whilst the fleets of the enemy were pent up in Toulon, or pinioned in Brest, we performed wonders, to be sure; but, sir, if England had drawn off, France would have told you quite a different tale. You would have struck no medals. This is not the sort of conflict that you are to count upon, if you go to war with Great Britain. "*Quem Deus vult perdere prius dementat.*" And are you mad enough to take up the cudgels that have been struck from the nerveless hands of the three great maritime powers of Europe? Shall the planter mortgage his little crop, and jeopardize the constitution in support of commercial monopoly, in the vain hope of satisfying the insatiable greediness of trade? Administer the constitution upon principles for the general welfare, and not for the benefit of any particular class of men. Do you meditate war for the possession of Baton Rouge, or Mobile, places which your own laws declare to be within your limits? Is it even for the fair trade that exchanges your surplus products, for such foreign articles as you require? No, sir, 'tis for a circuitous traffic—an *ignis fatuus.* And against whom? A nation from whom you have anything to fear? I speak as to our liberties. No, sir, with a nation from whom you have nothing, or next to nothing, to fear—to the aggran-

dizement of one against which you have everything to dread. I look to their ability and interest—not to their disposition. When you rely on that, the case is desperate. Is it to be inferred from all this, that I would yield to Great Britain? No; I would act towards her now, as I was disposed to do towards France in 1798-99—treat with her; and for the same reason, on the same principles. Do I say treat with her? At this moment you have a negotiation pending with her Government. With her you have not tried negotiation and failed, totally failed, as you have done with Spain, or rather France. And wherefore, under such circumstances, this hostile spirit to the one, and this (I won't say what), to the other?

But a great deal is said about the laws of nations. What is national law but national power guided by national interest? You yourselves acknowledge and practise upon this principle where you can, or where you dare; with the Indian tribes, for instance. I might give another and more forcible illustration. Will the learned lumber of your libraries add a ship to your fleet, or a shilling to your revenue? Will it pay or maintain a single soldier? And will you preach and prate of violations of your neutral rights, when you tamely and meanly submit to the violation of your territory? Will you collar the stealer of your sheep, and let him escape that has invaded the repose of your fireside; has insulted your wife and children under your own roof? This is the heroism of truck and traffic—the public spirit of sordid avarice. Great Britain violates your flag on the high seas. What is her situation? Contending, not for the dismantling of Dunkirk, for Quebec, or Pondicherry, but for London and Westminster—for life. Her enemy violating, at will, the territories of other nations—acquiring thereby a colossal power that threatens the very existence of her rival. But she has one vulnerable point to the arms of her adversary, which she covers with the ensigns of neutrality. She draws the neutral flag over the heel of Achilles. And can you ask that adversary to respect it at the expense of her existence?—and in favor of whom?—an enemy that respects no neutral territory of Europe, and not even your own? I repeat that the insults of Spain towards this nation have been at the instigation of France; that there is no longer any Spain. Well, sir, because the French Government do not put this into the "Moniteur," you choose

to shut your eyes to it. None so blind as those who will not see. You shut your own eyes, and to blind those of other people, you go into conclave, and slink out again and say—"a great affair of state!"—*C'est une grande affaire d'Etat!* It seems that your sensibility is entirely confined to the extremities. You may be pulled by the nose and ears, and never feel it; but let your strong-box be attacked, and you are all nerve—"Let us go to war!" Sir, if they called upon me only for my little *peculium* to carry it on, perhaps I might give it; but my rights and liberties are involved in the grant, and I will never surrender them whilst I have life. The gentleman from Massachusetts [Mr. Crowninshield], is for sponging the debt. I can never consent to it. I will never bring the ways and means of fraudulent bankruptcy into your committee of supply. Confiscation and swindling shall never be found among my estimates, to meet the current expenditure of peace or war. No, sir. I have said with the doors closed, and I say so when they are open, "Pay the public debt." Get rid of that dead weight upon your Government, that cramp upon all your measures, and then you may put the world at defiance. So long as it hangs upon you, you must have revenue, and to have revenue, you must have commerce—commerce, peace. And shall these nefarious schemes be advised for lightening the public burdens? will you resort to these low and pitiful shifts? will you dare even to mention these dishonest artifices, to eke our your expenses, when the public treasure is lavished on Turks and infidels; on singing boys, and dancing girls; to furnish the means of bestiality to an African barbarian?

Gentlemen say, that Great Britain will count upon our divisions. How! What does she know of them? Can they ever expect greater unanimity than prevailed at the last presidential election? No, sir, 'tis the gentleman's own conscience that speaks. But if she cannot calculate upon your divisions, at least she may reckon upon your pusillanimity. She may well despise the resentment that cannot be excited to honorable battle on its own ground—the mere effusion of mercantile cupidity. Gentlemen talk of repealing the British treaty. The gentleman from Pennsylvania should have thought of that before he voted to carry it into effect. And what is all this for? A point which Great Britain will not abandon to Russia, you

expect her to yield to you. Russia, indisputably the second power of continental Europe, with half a million of hardy troops, with sixty sail of the line, thirty millions of subjects, a territory more extensive even than our own—Russia, sir, the store-house of the British navy—whom it is not more the policy and the interest, than the sentiment of that government, to soothe and to conciliate: her sole hope of a diversion on the Continent—her only efficient ally. What this formidable power cannot obtain with fleets and armies, you will command by writ—with pot-hooks and hangers. I am for no such policy. True honor is always the same. Before you enter into a contest, public or private, be sure you have fortitude enough to go through with it. If you mean war, say so, and prepare for it. Look on the other side—behold the respect in which France holds neutral rights on land—observe her conduct in regard to the Franconian estates of the King of Prussia: I say nothing of the petty powers—of the Elector of Baden, or of the Swiss: I speak of a first-rate monarchy of Europe, and at a moment too, when its neutrality was the object of all others nearest to the heart of the French Emperor. If you make him monarch of the ocean, you may bid adieu to it forever. You may take your leave, sir, of navigation—even of the Mississippi. What is the situation of New Orleans, if attacked to-morrow? Filled with a discontented and repining people, whose language, manners, and religion, all incline them to the invader—a dissatisfied people, who despise the miserable governor you have set over them—whose honest prejudices and basest passions alike take part against you. I draw my information from no dubious source—from a native American, an enlightened member of that odious and imbecile government. You have official information that the town and its dependencies are utterly defenceless and untenable—a firm belief, that apprised of this, Government would do something to put the place in a state of security, alone has kept the American portion of that community quiet. You have held that post—you now hold it by the tenure of the naval predominance of England, and yet you are for a British naval war.

There are now two great commercial nations. Great Britain is one—we are the other. When you consider the many points of contact between our interests, you may be surprised that

there has been so little collision. Sir, to the other belligerent nations of Europe your navigation is a convenience, I might say, a necessary. If you do not carry for them they must starve, at least for the luxuries of life, which custom has rendered almost indispensable. And, if you cannot act with some degree of spirit towards those who are dependent upon you, as carriers, do you reckon to browbeat a jealous rival, who, the moment she lets slip the dogs of war, sweeps you, at a blow, from the ocean? And, *cui bono?* for whose benefit? The planter? Nothing like it. The fair, honest, real American merchant? No, sir—for renegadoes; to-day American—to-morrow, Danes. Go to war when you will, the property, now covered by the American, will then pass under the Danish, or some other neutral flag. Gentlemen say, that one English ship is worth three of ours: we shall therefore have the advantage in privateering. Did they ever know a nation get rich by privateering? This is stuff for the nursery. Remember that your products are bulky—as has been stated—that they require a vast tonnage. Take these carriers out of the market—what is the result? The manufactures of England, which (to use a finishing touch of the gentleman's rhetoric) have received the finishing stroke of art, lie in a small comparative compass. The neutral trade can carry them. Your produce rots in the warehouse—you go to Statia or St. Thomas's, and get a striped blanket for a joe, if you can raise one—double freight, charges, and commissions. Who receives the profit? The carrier. Who pays it? The consumer. All your produce that finds its way to England must bear the same accumulated charges, with this difference: that there the burden falls on the home price. I appeal to the experience of the last war, which has been so often cited. What, then, was the price of produce, and of broadcloth?

But you are told England will not make war—she has her hands full. Holland calculated in the same way, in 1781. How did it turn out? You stand now in the place of Holland, then—without her navy, unaided by the preponderating fleets of France and Spain—to say nothing of the Baltic powers. Do you want to take up the cudgels where these great maritime powers have been forced to drop them? to meet Great Britain on the ocean, and drive her off its face? If you are so far gone

as this, every capital measure of your policy has hitherto been wrong. You should have nurtured the old, and devised new systems of taxation—have cherished your navy. Begin this business when you may, land-taxes, stamp-acts, window-taxes, hearth-money, excise, in all its modifications of vexation and oppression, must precede, or follow after. But, sir, as French is the fashion of the day, I may be asked for my *projet*. I can readily tell gentlemen what I will not do. I will not propitiate any foreign nation with money. I will not launch into a naval war with Great Britain, although I am ready to meet her at the Cowpens, or Bunker's Hill. And for this plain reason. We are a great land animal, and our business is on shore. I will send her no money, sir, on any pretext whatsoever, much less on pretence of buying Labrador, or Botany Bay, when my real object was to secure limits which she formally acknowledged at the peace of 1783. I go further—I would (if anything) have laid an embargo. This would have got our own property home, and our adversary's into our power. If there is any wisdom left among us, the first step towards hostility will always be an embargo. In six months all your mercantile megrims would vanish. As to us, although it would cut deep, we can stand it. Without such a precaution, go to war when you will, you go to the wall. As to debts, strike the balance to-morrow, and England is, I believe, in our debt.

I hope, sir, to be excused for proceeding in this desultory course. I flatter myself I shall not have occasion again to trouble you—I know not that I shall be able—certainly not willing, unless provoked in self-defence. I ask your attention to the character of the inhabitants of that southern country, on whom gentlemen rely for the support of their measure. Who and what are they? A simple agricultural people, accustomed to travel in peace to market, with the produce of their labor. Who takes it from us? Another people devoted to manufactures—our sole source of supply. I have seen some stuff in the newspapers about manufactures in Saxony, and about a man who is no longer the chief of a dominant faction. The greatest man whom I ever knew—the immortal author of the letters of Curtius—has remarked the proneness of cunning people to wrap up and disguise in well-selected phrases, doctrines too deformed and detestable to bear ex-

posure in naked words—by a judicious choice of epithets, to draw the attention from the lurking principle beneath, and perpetuate delusion. But a little while ago, and any man might be proud to be considered as the head of the republican party. Now, it seems, 'tis reproachful to be deemed the chief of a dominant faction. Mark the magic words! Head, chief. Republican party, dominant faction. But as to these Saxon manufactures. What became of their Dresden china? Why, the Prussian bayonets have broken all the pots, and you are content with Worcestershire or Staffordshire ware. There are some other fine manufactures on the Continent, but no supply, except, perhaps, of linens, the article we can best dispense with. A few individuals, sir, may have a coat of Louviers cloth, or a service of Sèvres china—but there is too little, and that little too dear, to furnish the nation. You must depend on the fur trade in earnest, and wear buffalo hides and bear-skins.

Can any man, who understands Europe, pretend to say that a particular foreign policy is now right, because it would have been expedient twenty, or even ten years ago, without abandoning all regard for common-sense? Sir, it is the statesman's province to be guided by circumstances, to anticipate, to foresee them—to give them a course and a direction—to mould them to his purpose. It is the business of a counting-house clerk to peer into the day-book and ledger to see no further than the spectacles on his nose, to feel not beyond the pen behind his ear—to chatter in coffee-houses, and be the oracle of clubs. From 1783 to 1793, and even later (I don't stickle for dates), France had a formidable marine—so had Holland—so had Spain. The two first possessed thriving manufactures and a flourishing commerce. Great Britain, tremblingly alive to her manufacturing interests and carrying trade, would have felt to the heart any measure calculated to favor her rivals in these pursuits—she would have yielded then to her fears and her jealousy alone. What is the case now? She lays an export duty on her manufactures, and there ends the question. If Georgia shall (from whatever cause) so completely monopolize the culture of cotton as to be able to lay an export duty of three per cent. upon it, besides taxing its cultivators, in every other shape that human or infernal ingenuity can devise, is Pennsylvania likely to rival her, or take away the trade?

But, sir, it seems that we, who are opposed to this resolution, are men of no nerves—who trembled in the days of the British treaty—cowards (I presume) in the reign of terror! Is this true? Hunt up the journals; let our actions tell. We pursue our unshaken course. We care not for the nations of Europe, but make foreign relations bend to our political principles, and subserve our country's interest. We have no wish to see another Actium, or Pharsalia, or the lieutenants of a modern Alexander, playing at piquet, or all-fours, for the empire of the world. 'Tis poor comfort to us to be told that France has too decided a taste for luxurious things to meddle with us; that Egypt is her object, or the coast of Barbary, and at the worst we shall be the last devoured. We are enamored with neither nation—we would play their own game upon them, use them for our interest and convenience. But with all my abhorrence of the British Government, I should not hesitate between Westminster Hall and a Middlesex jury, on the one hand, and the wood of Vincennes, and a file of grenadiers, on the other. That jury trial which walked with Horne Tooke, and Hardy, through the flames of ministerial persecution, is, I confess, more to my taste, than the trial of the Duke d'Enghien.

Mr. Chairman, I am sensible of having detained the committee longer than I ought—certainly much longer than I intended. I am equally sensible of their politeness, and not less so, sir, of your patient attention. It is your own indulgence, sir, badly requited indeed, to which you owe this persecution. I might offer another apology for these undigested, desultory remarks; my never having seen the Treasury documents. Until I came into the House this morning, I have been stretched on a sick-bed. But when I behold the affairs of this nation, instead of being where I hoped, and the people believed they were, in the hands of responsible men, committed to Tom, Dick, and Harry—to the refuse of the retail trade of politics—I do feel, I cannot help feeling, the most deep and serious concern. If the executive Government would step forward and say, "such is our plan—such is our opinion, and such are our reasons in support of it," I would meet it fairly, would openly oppose, or pledge myself to support it. But without compass or polar star, I will not launch into an ocean of unexplored measures, which stand condemned by all the information to which

I have access. The constitution of the United States declares it to be the province and duty of the President "to give to Congress, from time to time, information of the state of the Union, and recommend to their consideration such measures as he shall judge expedient and necessary." Has he done it? I know, sir, that we may say, and do say, that we are independent (would it were true): as free to give a direction to the executive as to receive it from him. But do what you will, foreign relations—every measure short of war, and even the course of hostilities, depend upon him. He stands at the helm, and must guide the vessel of state. You give him money to buy Florida, and he purchases Louisiana. You may furnish means—the application of those means rests with him. Let not the master and mate go below when the ship is in distress, and throw the responsibility upon the cook and the cabin-boy. I said so when your doors were shut: I scorn to say less now that they are open. Gentlemen may say what they please. They may put an insignificant individual to the ban of the republic; I shall not alter my course. I blush with indignation at the misrepresentations which have gone forth in the public prints of our proceedings, public and private. Are the people of the United States, the real sovereigns of the country, unworthy of knowing what, there is too much reason to believe, has been communicated to the privileged spies of foreign governments? I think our citizens just as well entitled to know what has passed, as the Marquis Yrujo, who has bearded your President to his face, insulted your Government within its own peculiar jurisdiction, and outraged all decency. Do you mistake this diplomatic puppet for an automaton? He has orders for all he does. Take his instructions from his pocket to-morrow, they are signed "Charles Maurice Talleyrand." Let the nation know what they have to depend upon. Be true to them, and (trust me) they will prove true to themselves and to you. The people are honest; now at home at their ploughs, not dreaming of what you are about. But the spirit of inquiry, that has too long slept, will be, must be, awakened. Let them begin to think: not to say such things are proper because they have been done —but what has been done? and wherefore?—and all will be right.

CHARACTERISTICS OF THE AGE

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BY

JOSEPH STORY

JOSEPH STORY

1779—1845

Joseph Story was born at Marblehead, Massachusetts, September 18, 1779. At the age of nineteen he was graduated from Harvard and began the study of law. After his admission to the bar, in 1801, he began the practice of his profession in Salem. He devoted much time to the study of the black-letter law of England, and soon mastered the technical rules governing the law of real property.

His rise in the profession was rapid and he soon ranked among the foremost members of the bar of his State. As a representative for Salem in the State Legislature he opposed, in a vigorous and effective speech, the repeal of the Embargo Act. Later, owing to changed conditions, he advocated its repeal. Re-elected in 1811, he became speaker of the Massachusetts Legislature, and in November of the same year, at the age of thirty-two, was appointed an associate judge of the Supreme Court of the United States by President Madison. Questions came before him of admiralty law, law of salvage, and prize laws, which were then unsettled and imperfectly understood. It is thus easily inferred how far-reaching in their results and how important were his labors during this period. He denounced the slave-trade, and by the position he took on the question did much toward the extinction of that traffic. With the foundation of a professorship of law at Harvard by Nathan Dane in 1829, especially created and endowed for him, begins a new period in Story's life.

As a teacher he was immensely popular, and by his devotion and enthusiasm for his subject, his sympathy with students, his great learning and fluency, was eminently fitted for these duties. Judge Story is perhaps most widely known by his commentaries on the Constitution of the United States—though his works on public law may be more appreciated by the members of his profession. His legal opinions are recognized not only in America, but by British and Continental judges, as the highest authority. Judge Story's literary labors were not confined to his legal works. He delivered many discourses and was a constant contributor to contemporary literature, especially to the "North American Review" and the "American Jurist." His speech on the "Characteristics of the Age" is a polished, scholarly address, filled with clear-cut, logical reasoning, and adorned with choice quotations. It is typical of the learned, dignified style of oratory that was in vogue two generations ago.

CHARACTERISTICS OF THE AGE

Delivered before the Phi Beta Kappa Society of Harvard University, on August 31, 1826

GENTLEMEN: If I had consulted my own wishes I should not have presumed to address you on the present occasion. The habits of professional employment rarely admit of leisure for the indulgence of literary taste. And in a science, whose mastery demands a whole life of laborious diligence, whose details are inexhaustible, and whose intricacies task the most acute intellects, it would be matter of surprise, if every hour withdrawn from its concerns did not somewhat put at hazard the success of its votary. Nor can it escape observation, how much the technical doctrines of a juri-sprudence, drawn from remote antiquity, and expanding itself over the business of many ages, must have a tendency to chill that enthusiasm which lends encouragement to every enterprise, and to obscure those finer forms of thought which give to literature its loveliness, I may say, its inexpressible graces. The consciousness of difficulties of this sort may well be supposed to press upon every professional mind. They can be overlooked by those only whose youth has not been tried in the hard school of experience, or whose genius gives no credit to impossibilities.

I have not hesitated, however, to yield to your invitation, trusting to that indulgence which has not hitherto been withheld from well-meant efforts, and not unwilling to add the testimony of my own example, however humble, in favor of the claims of this society to the services of all its members.

We live in an extraordinary age. It has been marked by events which will leave a durable impression upon the pages of history by their own intrinsic importance. But they will be read with far deeper emotions in their effects upon future ages; in their consequences upon the happiness of whole communities;

in the direct or silent changes forced by them into the very structure of society; in the establishment of a new and mighty empire, the empire of public opinion; in the operation of what Lord Bacon has characterized almost as supreme power, the power of knowledge, working its way to universality, and interposing checks upon government and people by means gentle and decisive, which have never before been fully felt, and are even now, perhaps, incapable of being perfectly comprehended.

Other ages have been marked by brilliant feats in arms. Wars have been waged for the best and for the worst of purposes. The ambitious conqueror has trodden whole nations under his feet to satisfy the lust of power; and the eagles of his victories have stood on either extreme of the civilized world. The barbarian has broken loose from his northern fastnesses, and overwhelmed in his progress temples and thrones, the adorers of the true God, and the worshippers of idols. Heroes and patriots have successfully resisted the invaders of their country, or perished in its defence; and in each way have given immortality to their exploits. Kingdoms have been rent asunder by intestine broils, or by struggles for freedom. Bigotry has traced out the march of its persecutions in footsteps of blood; and superstition employed its terrors to nerve the arm of the tyrant, or immolate his victims. There have been ancient leagues for the partition of empires, for the support of thrones, for the fencing out of human improvement, and for the consolidation of arbitrary power. There have, too, been bright spots on the earth, where the cheering light of liberty shone in peace; where learning unlocked its stores in various profusion; where the arts unfolded themselves in every form of beauty and grandeur; where literature loved to linger in academic shades, or enjoy the public sunshine; where song lent new inspiration to the temple; where eloquence alternately consecrated the hall of legislation, and astonished the forum with its appeals.

We may not assert that the present age can lay claim to the production of any one of the mightiest efforts of human genius. Homer and Vergil, and Shakespeare and Milton, were of other days, and yet stand unrivalled in song. Time has not inscribed upon the sepulchre of the dead and nobler names in eloquence than Demosthenes and Cicero. Who has outdone the chisel of Phidias, or the pencil of Michael Angelo, and Raphael? Where

are the monuments of our day, whose architecture dares to contend with the Doric, Ionic or Corinthian of Greece, or even with the Composite or Gothic of later times? History yet points to the pregnant though brief text of Tacitus, and acknowledges no finer models than those of antiquity. The stream of a century has swept by the works of Locke and Newton; yet they still stand alone in unapproached, in unapproachable majesty.

Nor may we pronounce that the present age, by its collective splendor in arts and arms, casts into shade all former epochs. The era of Pericles witnessed a combination of talents and acquirements, of celebrated deeds and celebrated works, which the lapse of twenty-two centuries has left unobscured. Augustus, surveying his mighty empire, could scarcely contemplate with more satisfaction the triumph of his arms, than the triumph of the philosophy and literature of Rome. France yet delights to dwell on the times of Louis XVI, as the proudest in her annals; and England, with far less propriety, looks back upon the reign of Queen Anne for the best models of her literary excellence.

But, though we may not arrogate to ourselves the possession of the first genius, or the first era in human history, let it not be imagined that we do not live in an extraordinary age. It is impossible to look around us without alternate emotions of exultation and astonishment. What shall we say of one revolution, which created a nation out of thirteen feeble colonies, and founded the empire of liberty upon the basis of the perfect equality in rights and representation of all its citizens; which commenced in a struggle by enlightened men for principles, and not for places, and in its progress and conclusion exhibited examples of heroism, patriotic sacrifices, and disinterested virtue, which have never been surpassed in the most favored regions? What shall we say of this nation which has in fifty years quadrupled its population, and spread itself from the Atlantic to the Rocky Mountains, not by the desolations of successful war, but by the triumphant march of industry and enterprise? What shall we say of another revolution, which shook Europe to its centre, overturned principalities and thrones, demolished oppressions, whose iron had for ages entered into the souls of their subjects, and after various fortunes of victory and defeat, of military despotism and popular commotion, ended at last in the planting of free institutions, free tenures,

and representative government in the very soil of absolute monarchy? What shall we say of another revolution, or rather series of revolutions, which has restored to South America the independence torn from her three centuries ago, by the force or by the fraud of those nations whose present visitations bespeak a Providence, which superintends and measures out, at awful distances, its rewards and its retributions? She has risen, as it were, from the depths of the ocean, where she had been buried for ages. Her shores no longer murmur with the hoarse surges of her unnavigated waters, or echo the jealous footsteps of her armed oppressors. Her forests and her table-lands, her mountains and her valleys, gladden with the voices of the free. She welcomes to her ports the whitening sails of commerce. She feels that the treasures of her mines, the broad expanse of her rivers, the beauty of her lakes, the grandeur of her scenery, the products of her fertile and inexhaustible soil, are no longer the close domain of a distant sovereign, but the free inheritance of her own children. She sees that these are to bind her to other nations by ties, which outlive all compacts and all dynasties, by ties of mutual sympathy, mutual equality, and mutual interest.

But such events sink into nothing, compared with the great moral, political, and literary revolutions, by which they have been accompanied. Upon some of these topics I may not indulge myself even for a moment. They have been discussed here, and in other places, in a manner which forbids all hope of more comprehensive illustration. They may, indeed, be still followed out; but whoever dares the difficulties of such a task, with falter with unequal footsteps.

What I propose to myself on the present occasion, is of a far more limited and humble nature. It is to trace out some of the circumstances of our age, which connect themselves closely with the cause of science and letters; to sketch here and there a light and shadow of our days—to look somewhat at our own prospects and attainments—and thus to lay before you something for reflection, for encouragement, and for admonition.

One of the most striking characteristics of our age, and that, indeed, which has worked deepest in all the changes of its fortunes and pursuits, is the general diffusion of knowledge. This is emphatically the age of reading. In other times this was the privilege of the few; in ours, it is the possession of the many.

Learning once constituted the accomplishment of those in the higher orders of society, who had no relish for active employment, and of those whose monastic lives and religious profession sought to escape from the weariness of their common duties. Its progress may be said to have been gradually downwards from the higher to the middle classes of society. It scarcely reached at all, in its joys or its sorrows, in its instructions or its fantasies, the home of the peasant and artisan. It now radiates in all directions; and exerts its central force more in the middle, than in any other class of society. The means of education were formerly within the reach of few. It required wealth to accumulate knowledge. The possession of a library was no ordinary achievement. The learned leisure of a fellowship in some university seemed almost indispensable for any successful studies; and the patronage of princes and courtiers was the narrow avenue to public favor. I speak of a period at little more than the distance of two centuries; not of particular instances, but of the general cast and complexion of life.

The principal cause of this change is to be found in the freedom of the press, or rather in this co-operating with the cheapness of the press. It has been aided also by the system of free schools, wherever it has been established by that liberal commerce, which connects by golden chains the interests of mankind; by that spirit of inquiry, which Protestantism awakened throughout Christian Europe; and above all by those necessities which have compelled even absolute monarchs to appeal to the patriotism and common sentiments of their subjects. Little more than a century has elapsed since the press in England was under the control of a licenser; and within our own days only has it ceased to be a contempt, punishable by imprisonment, to print the debates of Parliament. We all know how it still is on the continent of Europe. It either speaks in timid undertones, or echoes back the prescribed formularies of the government. The moment publicity is given to affairs of state, they excite everywhere an irresistible interest. If discussion be permitted, it will soon be necessary to enlist talents to defend, as well as talents to devise measures. The daily press first instructed men in their wants, and soon found, that the eagerness of curiosity outstripped the power of gratifying it. No man can now doubt the fact, that wherever the press is free, it will emancipate the people; wherever

knowledge circulates unrestrained, it is no longer safe to oppress; wherever public opinion is enlightened, it nourishes an independent, masculine, and healthful spirit. If Faustus were now living, he might exclaim with all the enthusiasm of Archimedes, and with a far nearer approach to the truth, Give me where I may place a free press, and I will shake the world.

One interesting effect, which owes its origin to this universal love and power of reading, is felt in the altered condition of authors themselves. They no longer depend upon the smiles of a favored few. The patronage of the great is no longer submissively entreated, or exultingly proclaimed. Their patrons are the public; their readers are the civilized world. They address themselves, not to the present generation alone, but aspire to instruct posterity. No blushing dedications seek an easy passport to fame, or flatter the perilous condescension of pride. No illuminated letters flourish on the silky page, asking admission to the courtly drawing-room. Authors are no longer the humble companions or dependents of the nobility; but they constitute the chosen ornaments of society, and are welcomed to the gay circles of fashion and the palaces of princes. Theirs is no longer an unthrifty vocation, closely allied to penury; but an elevated profession, maintaining its thousands in lucrative pursuits. It is not with them as it was in the days of Milton, whose immortal "Paradise Lost" drew five sterling pounds, with a contingent of five more, from the reluctant bookseller.

My Lord Coke would hardly find good authority in our day for his provoking commentary on the memorable statute of the fourth Henry, which declares that "none henceforth shall use to multiply gold or silver, or use the craft of multiplication," in which he gravely enumerates five classes of beggars, ending the catalogue in his own quaint phraseology with "poetasters," and repeating for the benefit of young apprentices of the law, the sad admonition,

> *"Sæpe pater dixit, Studium, quid inutile tentas?*
> *Mæonidas nullas ipse reliquit opes."*

There are certainly among us those who are within the penalty of this prohibition, if my Lord Coke's account of the matter is to be believed, for they are in possession of what he defines to be "a certain subtile and spiritual substance extracted out of

things," whereby they transmute many things into gold. I am indeed afraid that the magician of Abbotsford is accustomed to "use the craft of multiplication"; and most of us know to our cost, that he has changed many strange substances into very gold and very silver. Yet even if he be an old offender in this way, as is shrewdly suspected, there is little danger of his conviction in this liberal age, since, though he gains by everything he parts with, we are never willing to part with anything we receive from him.

The rewards of authorship are now almost as sure and regular as those of any other profession. There are, indeed, instances of wonderful success, and sad failure; of genius pining in neglect; of labor bringing nothing but sickness of the heart; of fruitless enterprise, baffled in every adventure; of learning waiting its appointed time to die in patient suffering. But this is the lot of some in all times. Disappointment crowds fast upon human footsteps in whatever paths they tread. Eminent good fortune is a prize rarely given even to the foremost in the race. And after all, he who has read human life most closely, knows that happiness is not the constant attendant of the highest public favor; and that it rather belongs to those who, if they seldom soar, seldom fall.

Scarcely is a work of real merit dry from the English press before it wings its way to both the Indies and Americas. It is found in the most distant climates, and the most sequestered retreats. It charms the traveller, as he sails over rivers and oceans. It visits our lakes and our forests. It kindles the curiosity of the thick-breathing city, and cheers the log hut of the mountaineer. The Lake of the Woods resounds with the minstrelsy of our mother tongue, and the plains of Hindostan are tributary to its praise. Nay, more, what is the peculiar pride of our age, the Bible may now circulate its consolations and instructions among the poor and forlorn of every land, in their native dialect. Such is the triumph of letters; such is the triumph of Christian benevolence.

With such a demand for books, with such facilities of intercourse, it is no wonder that reading should cease to be a mere luxury, and should be classed among the necessaries of life. Authors may now, with a steady confidence, boast, that they possess a hold on the human mind, which grapples closer and

mightier than all others. They may feel sure, that every just sentiment, every enlightened opinion, every earnest breathing after excellence will awaken kindred sympathies from the rising to the setting sun.

Nor should it be overlooked, what a beneficial impulse has been thus communicated to education among the female sex. If Christianity may be said to have given a permanent elevation to woman, as an intellectual and moral being, it is as true that the present age, above all others, has given play to her genius, and taught us to reverence its influence. It was the fashion of other times to treat the literary acquirements of the sex as starched pedantry, or vain pretensions; to stigmatize them as inconsistent with those domestic affections and virtues which constitute the charm of society. We had abundant homilies read upon their amiable weaknesses and sentimental delicacy, upon their timid gentleness and submissive dependence; as if to taste the fruit of knowledge were a deadly sin, and ignorance were the sole guardian of innocence. Their whole lives were "sicklied o'er with the pale cast of thought," and concealment of intellectual power was often resorted to, to escape the dangerous imputation of masculine strength. In the higher walks of life, the satirist was not without color for the suggestion, that it was

"A youth of folly, an old age of cards;"

and that elsewhere, "most women had no character at all," beyond that of purity and devotion to their families. Admirable as are these qualities, it seemed an abuse of the gifts of Providence to deny to mothers the power of instructing their children, to wives the privilege of sharing the intellectual pursuits of their husbands, to sisters and daughters the delight of ministering knowledge in the fireside circle, to youth and beauty the charm of refined sense, to age and infirmity the consolation of studies, which elevate the soul and gladden the listless hours of despondency.

These things have in a great measure passed away. The prejudices which dishonored the sex have yielded to the influence of truth. By slow but sure advances, education has extended itself through all ranks of female society. There is no longer any dread, lest the culture of science should foster that masculine boldness or restless independence, which alarms by its

sallies, or wounds by its inconsistencies. We have seen that here, as everywhere else, knowledge is favorable to human virtue and human happiness; that the refinement of literature adds lustre to the devotion of piety; that true learning, like true taste, is modest and unostentatious; that grace of manners receives a higher polish from the discipline of the schools; that cultivated genius sheds a cheering light over domestic duties, and its very sparkles, like those of the diamond, attest at once its power and its purity. There is not a rank of female society, however high, which does not now pay homage to literature, or that would not blush even at the suspicion of that ignorance, which a half century ago was neither uncommon nor discreditable. There is not a parent, whose pride may not glow at the thought, that his daughter's happiness is in a great measure within her own command, whether she keeps the cool sequestered vale of life, or visits the busy walks of fashion.

A new path is thus open for female exertion, to alleviate the pressure of misfortune, without any supposed sacrifice of dignity or modesty. Man no longer aspires to an exclusive dominion in authorship. He has rivals or allies in almost every department of knowledge; and they are to be found among those whose elegance of manners and blamelessness of life command his respect, as much as their talents excite his admiration. Who is there that does not contemplate with enthusiasm the precious fragments of Elizabeth Smith, the venerable learning of Elizabeth Carter, the elevated piety of Hannah More, the persuasive sense of Mrs. Barbauld, the elegant memoirs of her accomplished niece, the bewitching fictions of Madame D'Arblay, the vivid, picturesque, and terrific imagery of Mrs. Radcliffe, the glowing poetry of Mrs. Hemans, the matchless wit, the inexhaustible conversations, the fine character painting, the practical instructions of Miss Edgeworth, the great known, standing in her own department by the side of the great unknown?

Another circumstance, illustrative of the character of our age, is the bold and fearless spirit of its speculations. Nothing is more common in the history of mankind, than a servile adoption of received opinions, and a timid acquiescence in whatever is established. It matters not whether a doctrine or institution owes its existence to accident or design, to wisdom, or ignorance, or folly; there is a natural tendency to give it an undue value in pro-

portion to its antiquity. What is obscure in its origin warms and gratifies the imagination. What in its progress has insinuated itself into the general habits and manners of a nation, becomes imbedded in the solid mass of society. It is only at distant intervals, from an aggregation of causes, that some stirring revolution breaks up the old foundations, or some mighty genius storms and overthrows the entrenchments of error. Who would believe, if history did not record the fact, that the metaphysics of Aristotle, or rather the misuse of his metaphysics, held the human mind in bondage for two thousand years? that Galileo was imprisoned for proclaiming the true theory of the solar system? that the magnificent discoveries of Sir Isaac Newton encountered strong opposition from philosophers? that Locke's "Essay on the Human Understanding" found its way with infinite difficulty into the studies of the English universities? that Lord Bacon's method of induction never reached its splendid triumphs until our day? that the doctrine of the divine right of kings, and the absolute allegiance of subjects, constituted nearly the whole theory of government from the fall of the Roman republic to the seventeenth century? that Christianity itself was overlaid and almost buried for many centuries, by the dreamy comments of monks, the superstitions of fanatics, and the traditions of the Church? that it was an execrable sin throughout Christendom to read and circulate the Holy Scriptures in the vulgar tongue? Nay, that it is still a crime in some nations, of which the Inquisition would take no very indulgent notice, even if the head of the Catholic Church should not feel that Bible societies deserve his denunciation? Even the great reformers of the Protestant Church left their work but half done, or rather came to it with notions far too limited for its successful accomplshment. They combated errors and abuses, and laid the broad foundations of a more rational faith. But they were themselves insensible to the just rights and obligations of religious inquiry. They thought all error intolerable; but they forgot in their zeal, that the question, what was truth, was open to all for discussion. They assumed to themselves the very infallibility, which they rebuked in the Romish Church; and as unrelentingly persecuted heresies of opinion, as those who had sat for ages in the judgment seat of St. Peter. They allowed, indeed, that all men had a right to inquire; but they thought that all must, if honest, come to the

same conclusion with themselves; that the full extent of Christian liberty was the liberty of adopting those opinions which they promulgated as true. The unrestrained right of private judgment, the glorious privilege of a free conscience, as now established in this favored land, was farther from their thoughts even than popery itself. I would not be unjust to these great men. The fault was less theirs than that of the age in which they lived. They partook only of that spirit of infirmity which religion itself may not wholly extinguish in its sincere, but over-zealous votaries. It is their glory to have laid the deep, and, I trust, the imperishable foundations of Protestantism. May it be ours to finish the work, as they would have done it, if they had been permitted to enjoy the blessed light of these latter times. But let not Protestants boast of their justice or their charity, while they continue to deny an equality of rights to the Catholics.

The progress of the spirit of free inquiry cannot escape the observation of the most superficial examiner of history. The press, by slow but firm steps, first felt its way, and began its attacks upon the outworks of received opinions. One error after another silently crumbled into the dust, until success seemed to justify the boldest experiments. Opinions in science, in physic, in philosophy, in morals, in religion, in literature, have been subjected to the severest scrutiny; and many, which had grown hoary under the authority of ages, have been quietly conveyed to their last home, with scarcely a solitary mourner to grace their obsequies. The contest, indeed, between old and new opinions has been, and continues to be, maintained with great obstinacy and ability on all sides, and has forced even the sluggish into the necessity of thinking for themselves. Scholars have been driven to arm themselves for attack, as well as for defence; and in a literary warfare, nearly universal, have been obliged to make their appeals to the living judgment of the public for protection, as well as for encouragement.

The effects of this animated and free discussion have, in general, been very salutary. There is not a single department of life which has not been invigorated by its influence, nor a single profession which had not partaken of its success.

In jurisprudence, which reluctantly admits any new adjunct, and counts in its train a thousand champions ready to rise in defence of its formularies and technical rules, the victory has been

brilliant and decisive. The civil and the common law have yielded to the pressure of the times, and have adopted much which philosophy and experience have recommended, although it stood, upon no text of the Pandects, and claimed no support from the feudal polity. Commercial law, at least so far as England and America are concerned, is the creation of the eighteenth century. It started into life with the genius of Lord Mansfield, and gathering in its course whatever was valuable in the earlier institutes of foreign countries, has reflected back upon them its own superior lights, so as to become the guide and oracle of the commercial world. If my own feelings do not mislead me, the profession itself has acquired a liberality of opinion, a comprehensiveness of argumentation, a sympathy with the other pursuits of life, and a lofty eloquence, which, if ever before, belonged to it in the best days of the best orators of antiquity. It was the bitter scoff of other times, approaching to the sententiousness of a proverb, that to be a good lawyer was to be an indifferent statesman. The profession has outlived the truth of the sarcasm. At the present moment, England may count lawyers among her most gifted statesmen; and in America, I need but appeal to those who hear me, for the fact, our most eminent statesmen have been, nay, still are, the brightest ornaments of our bar.

The same improving spirit has infused itself into the body of legislation and political economy. I may not adventure upon this extensive topic. But I would for a moment advert to the more benignant character manifested in the criminal law. Harsh and vindictive punishments have been discountenanced or abolished. The saguinary codes, over which humanity wept, and philosophy shuddered, have felt the potent energy of reform, and substituted for agonizing terror the gentle spirit of mercy. America has taken the lead in this glorious march of philanthropy, under the banners of that meek sect, which does good by stealth, and blushes to find it fame. There are not in the code of the Union, and probably not in that of any single State, more than ten crimes, to which the sober judgment of legislation now affixes the punishment of death. England, indeed, counts in her bloody catalogue more than one hundred and sixty capital offences; but the dawn of a brighter day is opening upon her. After years of doubtful struggle, the meliorations suggested by

the lamented Sir Samuel Romilly have forced their way through Parliament to the throne; and an enlightened ministry is redeeming her from this reproach upon her national character.

In medicine, throughout all its branches, more extraordinary changes have taken place. Here, indeed, inductive philosophy looks for some of its fairest trophies. In anatomy, in physiology, in pharmacy, in therapeutics, instructed skill, patient observation, and accurate deduction have been substituted for vague conjecture, and bold pretension. Instead of mystical compounds, and nostrums, and panaceas, science has introduced its powerful simples, and thus given energy and certainty to practice. We dream no longer over the favorite theories of the arts succeeding each other in endless progression. We are content to adopt a truer course; to read nature in her operations; to compel her to give up her secrets to the expostulations of her ministers, and to answer the persevering interrogatories of her worshippers. Chemistry, by its brilliant discoveries and careful analysis, has unfolded laws which surprise us by their simplicity, as well as by the extent of their operations. By its magic touch the very elements of things seem decomposed, and to stand in disembodied essences before us.

In theology a new era has commenced. From the days of Grotius almost to our own, a sluggish indifference to critical learning fastened upon most of those who administered the high solemnities of religion. Here and there, indeed, a noble spirit was seen, like Old Mortality, wiping away the ancient dust and retracing the fading lines, and in his zeal for truth undergoing almost a moral martyrdom. But the mass of professed theologians slumbered over the received text in easy security, or poured the distillations of one commentary into another, giving little improvement to the flavor and none to the substance. They were at length roused by a spirit of another sort, which, by ridicule, or argument, or denunciation of abuses, was attempting to sap the very foundations of Christianity. It made its approaches in silence, until it had attained strength enough for an open assault; and at last, in a moment of political revolution, it erected the standard of infidelity in the very centre of Christendom. Fortunately, the critical studies of the scholars of the old world enabled them to meet the difficulties of the occasion. The immense collations of manuscripts and various readings by such

men as Mill, and Wetstein, and Kennicott, prepared the way for a more profound investigation of the genuineness and authenticity of the Scriptures. And the sober sense and unwearied diligence of our age have given to the principles of interpretation an accuracy and authority, to biblical researches a dignity and certainty, to practical as well as doctrinal theology a logic and illustration, unparallelel in the annals of the Church. If Christianity has been assailed in our day with uncommon ability, it has never been defended with more various learning. If it has surrendered here and there an interpolated passage, it has placed almost beyond the reach of doubt the general integrity of the text. If it has ceased in some favored lands to claim the civil arm for its protection, it has established itself in the hearts of men by all which genius could bring to illumine, or eloquence to grace its sublime truths.

In pure mathematics and physical science there has been a correspondent advancement. The discoveries of Newton have been followed out and demonstrated by new methods and analyses to an extent which would surprise that great philosopher himself, if he were now living. I need but name such men as Lagrange and Laplace. By means of observatories, the heavens have been, if I may so say, circumnavigated, and every irregularity and perturbation of the motions of the heavenly bodies ascertained to depend upon the same eternal law of gravitation, and to result in the harmonious balance of forces. But it is in physical science, and especially in its adaptation to arts of life, that the present age may claim precedence of all others. I have already alluded to chemistry, which has enabled us to fix and discharge colors with equal certainty; now to imitate the whiteness of the driven snow, and now the loveliness of the Tyrian dyes. But who can measure the extent of the changes in agriculture, manufactures and commerce, produced by the steam engine of Watt, by the cotton machinery of Arkwright, by the power looms of a later period, by the cotton gin of Whitney, and though last, not least, by the steamboat of Fulton? When I name these, I select but a few among the inventions of our age, in which nature and art minister alternately to the wants and the triumphs of man.

If in metaphysics no brilliant discoveries have rewarded the industry of its votaries, it may nevertheless be said, that the laws

of the mind have been investigated with no common success. They have been illustrated by a fuller display of the doctrine of association of Hartley, by the common-sense of Reid, by the acute discrimination of Brown, and by the incomparable elegance of Dugald Stewart. If, indeed, in this direction any new discoveries are to be expected, it appears to me, with great deference, that they must be sought through more exact researches into that branch of physiology which respects the structure and functions of those organs, which are immediately connected with the operations of the mind.

I have but glanced at most of the preceding subjects, many of which are remote from the studies which have engaged my life, and to all of which I am conscious that I am unable to do even moderate justice.

But it is to the department of general and miscellaneous literature, and above all, of English literature, that we may look with pride and confidence. Here the genius of the age has displayed itself in innumerable varieties of form and beauty, from the humble page which presumes to teach the infant mind the first lines of thought, to the lofty works which discourse of history, and philosophy, and ethics, and government; from the voyager, who collects his budget of wonders for the amusement of the idle, to the gallant adventurer to the Pole, and the scientific traveller on the Andes. Poetry, too, has dealt out its enchantments with profuse liberality, now startling us with its visionary horrors and superhuman pageants, now scorching us with its fierce and caustic satire, now lapping us in elysium by the side of sunny shores, or lovely lakes, or haunted groves, or consecrated ruins. It is, indeed, no exaggeration of the truth to declare, that polite literature, from the light essay to the most profound disquisition, can enumerate more excellent works, as the production of the last fifty years, than of all former ages since the revival of letters.

Periodical literature has elevated itself from an amusement of cultivated minds, or a last resort of impoverished authors, to the first rank of composition, in which the proudest are not ashamed to labor, and the highest may gain fame and consequence. A half century ago a single magazine and a single review almost sufficed the whole reading public of England and America. At present a host crowd around us, from the gossamery repository

which adorns the toilet, to the grave review which discusses the fate of empires, arraigns the counsels of statesmen, expounds all mysteries in policy and science, or, stooping from such pursuits, condescends, like other absolute powers, sometimes to crush an author to death, and sometimes to elevate him to a height where he faints from the mere sense of giddiness. We have our journals of science and journals of arts; the new monthly with the refreshing genius of Campbell, and the old monthly with the companionable qualities of a familiar friend. We have the quarterly reviewers, the loyal defenders of Church and State, the "*laudatores temporis acti*," the champions, ay, and exemplars too, of classical learning, the admirers of ancient establishments and ancient opinions. We have on the other hand the Edinburgh, the bold advocates of reform, and still bolder political economists, hunting out public abuses, and alarming idle gentlemen pensioners with tales of misapplied charities; now deriding with bitter taunts the dull but busy gleaners in literature; now brightening their pages with the sunshine of wit; and now paying homage to genius by expounding its labors in language of transcendent felicity. One might approach nearer home, and, if it were not dangerous to rouse the attention of critics, might tell of a certain North American, which has done as much to give a solid cast to our literature, and a national feeling to our authors, as any single event since the peace of 1783.

Another interesting accompaniment of the literature of the age is its superior moral purity over former productions. The obscene jests, the low ribaldry, and the coarse allusions, which shed a disastrous light on so many pages of misguided genius in former times, find no sympathy in ours. He who would now command respect must write with pure sentiments and elevated feelings; he who would now please must be chaste as well as witty, and moral as well as brilliant. Fiction itself is restrained to the decencies of life; and whether in the drama, or the novel, or the song, with a few melancholy exceptions, it seeks no longer to kindle fires, which would consume the youthful enthusiast, or to instil precepts, which would blast the loveliness of the innocent.

But let it not be imagined, that in the present state of things there is nothing for regret and nothing for admonition. The picture of the age, when truly drawn, is not wholly composed of

lights. There are shades which disturb the beauty of the coloring, and points of reflection where there is no longer harmony in the proportions.

The unavoidable tendency of free speculation is to lead to occasional extravagances. When once the reverence for authority is shaken, there is apt to grow up in its stead a cold scepticism respecting established opinions. Their very antiquity under such circumstances betrays us into suspicion of their truth. The overthrow of error itself urges on a feverish excitement for discussion, and a restless desire for novelty, which blind, if they do not confound, the judgment. Thus, the human mind not unfrequently passes from one extreme to another; from one of implicit faith, to one of absolute incredulity.

There is not a remark deducible from the history of mankind more important than that advanced by Mr. Burke, that "to innovate is not to reform." That is, if I may venture to follow out the sense of this great man, that innovation is not necessarily improvement; that novelty is not necessarily excellence; that what was deemed wisdom in former times is not necessarily folly in ours; that the course of the human mind has not been to present a multitude of truths in one great step of its glory, but to gather them up insensibly in its progress, and to place them at distances, sometimes at vast distances, as guides or warnings to succeeding ages. If Greece and Rome did not solve all the problems of civil government, or enunciate the admirable theorem of representative legislation, it should never be forgotten, that from them we have learned those principles of liberty which in the worst of times have consoled the patriot for all his sufferings. If they cannot boast of the various attainments of our days, they may point out to us the lessons of wisdom, the noble discoveries and the imperishable labors of their mighty dead. It is not necessarily error to follow the footsteps of ancient philosophy, to reverence the precepts of ancient criticism, to meditate over the pages of ancient exploits, or to listen to the admonitions of ancient oratory.

We may even gather instruction from periods of another sort, in which there was a darkness, which might be felt as well as seen. Where is to be found a nobler institution than the trial by jury, the impregnable bulwark of civil liberty? Yet it belongs to ages of Gothic darkness or Saxon barbarism. Where is there

a more enduring monument of political wisdom than the separation of the judicial from the legislative powers? Yet it was the slow production of ages, which are obscured by the mists of time. Where shall we point out an invention, whose effects have been more wide, or more splendid than those of the mariner's compass? Yet five centuries have rolled over the grave of its celebrated discoverer. Where shall we find the true logic of physical science so admirably stated as in the "Novum Organum" of him, who more than two centuries ago saw, as in vision, and foretold, as in prophecy, the sublime discoveries of these latter days?

This is a topic which may not wholly be passed over, since it presents some of the dangers to which we are exposed, and calls upon us to watch the progress of opinion, and guard against the seductive influence of novelties. The busy character of the age is perpetually pressing forward all sorts of objections to established truths in politics, and morals, and literature. In order to escape from the imputation of triteness, some authors tax their ingenuity to surprise us with bold paradoxes, or run down with wit and ridicule the doctrines of common-sense, appealing sometimes to the ignorance and sometimes to the pride of their readers. Their object is not so much to produce what is true, as what is striking; what is profound, as what is interesting; what will endure the test of future criticism as what will buoy itself up on the current of a shallow popularity. In the rage for originality the old standards of taste are deserted, or treated with cold indifference; and thus false and glittering thoughts, and hurried and flippant fantasies, are substituted for exact and philosophical reasoning.

There is, too, a growing propensity to disparage the importance of classical learning. Many causes, especially in England and America, have conduced to this result. The signal success which has followed the enterprises in physical science, in mechanics, in chemistry, in civil engineering, and the ample rewards both of fortune and fame attendant upon that success, have had a very powerful influence upon the best talents of both countries. There is, too, in the public mind a strong disposition to turn everything to a practical account, to deal less with learning and more with experiment; to seek the solid comforts of opulence, rather than the indulgence of mere intellectual luxury. On the other hand, from the increase of materials, as well as of critical

skill, high scholarship is a prize of no easy attainment; and when attained it slowly receives public favor and still more slowly reaches the certainty of wealth. Indeed it is often combined with a contemplative shyness, and sense of personal independence, which yield little to policy, and with difficulty brook opposition. The honors of the world rarely cluster around it, and it cherishes with most enthusiasm those feelings which the active pursuits of life necessarily impair, if they do not wholly extinguish. The devotion to it, therefore, where it exists, often becomes our exclusive passion; and thus the gratification of it becomes the end, instead of the means of life. Instances of extraordinary success by mere scholarship are more rare than in other professions. It is not then to be wondered at, that the prudence of some minds and the ambition of others, should shrink from labors which demand days and nights of study, and hold out rewards which are distant, or pleasures which are for the most part purely intellectual.

Causes like these, in an age which scrutinizes and questions the pretensions of every department of literature, have contributed to bring into discussion the use and the value of classical learning. I do not stand up on this occasion to vindicate its claims, or extol its merits. That would be a fit theme for one of our most distinguished scholars, in a large discourse. But I may not withhold my willing testimony to its excellence, nor forget the fond regret with which I left its enticing studies for the discipline of more severe instructors.

The importance of classical learning to professional education is so obvious that the surprise is, that it could ever have become matter of disputation. I speak not of its power in refining the taste, in disciplining the judgment, in invigorating the understanding, or in warming the heart with elevated sentiments; but of its power of direct, positive, necessary instruction. Until the eighteenth century the mass of science in its principal branches was deposited in the dead languages, and much of it still reposes there. To be ignorant of these languages is to shut out the lights of former times, or to examine them only through the glimmerings of inadequate translations. What should we say of the jurist who never aspired to learn the maxims of law and equity which adorn the Roman codes? What of the physician who could deliberately surrender all the knowledge heaped up

for so many centuries in the latinity of continental Europe? What of the minister of religion who should choose not to study the Scriptures in the original tongue, and should be content to trust his faith and his hopes, for time and for eternity, to the dimness of translations, which may reflect the literal import, but rarely can reflect with unbroken force the beautiful spirit of the text? Shall he, whose vocation it is "to allure to brighter worlds and lead the way," be himself the blind leader of the blind? Shall he follow the commentaries of fallible man, instead of gathering the true sense from the gospels themselves? Shall he venture upon the exposition of divine truths, whose studies have never aimed at the first principles of interpretation? Shall he proclaim the doctrines of salvation who knows not and cares not whether he preaches an idle gloss or the genuine text of revelation? If a theologian may not pass his life in collating the various readings, he may, and ought to aspire to that criticism which illustrates religion by all the resources of human learning; which studies the manners and institutions of the age and country in which Christianity was first promulgated; which kindles an enthusiasm for its precepts by familiarity with the persuasive language of Him who poured out his blessings on the Mount, and of him at whose impressive appeal Felix trembled.

I pass over all consideration of the written treasures of antiquity, which have survived the wreck of empires and dynasties, of monumental trophies and triumphal arches, of palaces of princes and temples of the gods. I pass over all consideration of those admired compositions in which wisdom speaks as with a voice from Heaven; of those sublime efforts of poetical genius, which still freshen, as they pass from age to age, in undying vigor: of those finished histories, which still enlighten and instruct governments in their duty and their destiny; of those matchless orations which roused nations to arms, and chained senates to the chariot wheels of all-conquering eloquence. These all may now be read in our vernacular tongue. Ay, as one remembers the face of a dead friend by gathering up the broken fragments of his image—as one listens to the tale of a dream twice told—as one catches the roar of the ocean in the ripple of a rivulet—as one sees the blaze of noon in the first glimmer of twilight.

There is one objection, however, on which I would for a mo-

ment dwell, because it has a commanding influence over many minds, and is clothed with a specious importance. It is often said that there have been eminent men and eminent writers, to whom the ancient languages were unknown; men who have risen by the force of their talents, and writers who have written with a purity and ease which hold them up as models for imitation. On the other hand it is as often said that scholars do not always compose either with elegance or chasteness; that their diction is sometimes loose and harsh, and sometimes ponderous and affected. Be it so, I am not disposed to call in question the accuracy of either statement. But I would nevertheless say that the presence of classical learning was not the cause of the faults of the one class, nor the absence of it the cause of the excellence of the other. And I would put this fact as an answer to all such reasonings, that there is not a single language of modern Europe in which literature has made any considerable advances, which is not directly of Roman origin or has not incorporated into its very structure many, very many of the idioms and peculiarities of the ancient tongues. The English language affords a strong illustration of the truth of this remark. It abounds with words and meanings drawn from classical sources. Innumerable phrases retain the symmetry of their ancient dress. Innumerable expressions have received their vivid tints from the beautiful dyes of Roman and Grecian roots. If scholars therefore do not write our language with ease, or purity, or elegance, the cause must lie somewhat deeper than a conjectural ignorance of its true diction.

But I am prepared to yield still more to the force of the objection. I do not deny that a language may be built up without the aid of any foreign materials, and be at once flexible for speech and graceful for composition. That the literature of a nation may be splendid and instructive, full of interest and beauty in thought and diction, which has no kindred with classical learning; that in the vast stream of time it may run its own current unstained by the admixture of surrounding languages; that it may realize the ancient fable, "*Doris amara suam non intermisceat undam;*" that it may retain its own flavor, and its own bitter saltness too. But I do deny that such a national literature does in fact exist in modern Europe, in that community of nations of which we form a part, and to whose fortunes, and pur-

suits in literature and arts we are bound by all our habits, and feelings, and interests. There is not a single nation from the north to the south of Europe, from the bleak shores of the Baltic to the bright plains of immortal Italy, whose literature is not imbedded in the very elements of classical learning. The literature of England is in an emphatic sense the production of her scholars; of men, who have cultivated letters in her universities, and colleges, and grammar schools; of men, who thought any life too short, chiefly, because it left some relic of antiquity unmastered, and any other fame humble, because it faded in the presence of Roman and Grecian genius. He who studies English literature without the lights of classical learning loses half the charms of its sentiments and style, of its force and feelings, of its delicate touches, of its delightful allusions, of its illustrative associations. Who that reads the poetry of Gray, does not feel that it is the refinement of classical taste, which gives such inexpressible vividness and transparency to his diction? Who that reads the concentrated sense and melodious versification of Dryden and Pope, does not perceive in them the disciples of the old school, whose genius was inflamed by the heroic verse, the terse satire, and the playful wit of antiquity? Who that meditates over the strains of Milton, does not feel that he drank deep

> ——At "Siloah's brook, that flow'd
> Fast by the oracle of God"—

that the fires of his magnificent mind were lighted by coals from ancient altars?

It is no exaggeration to declare, that he who proposes to abolish classical studies proposes to render in a great measure inert and unedifying the mass of English literature for three centuries; to rob us of much of the glory of the past, and much of the instruction of future ages; to blind us to excellences which few may hope to equal, and none to surpass; to annihilate associations which are interwoven with our best sentiments, and give to distant times and countries a presence and reality as if they were in fact our own.

There are dangers of another sort which beset the literature of the age. The constant demand for new works and the impatience for fame, not only stimulate authors to an undue eagerness for strange incidents, singular opinions, and vain sentimentali-

ties, but their style and diction are infected with the faults of extravagance and affectation. The old models of fine writing and good taste are departed from, not because they can be excelled, but because they are known, and want freshness; because if they have a finished coloring, they have no strong contrasts to produce effect. The consequence is, that opposite extremes in the manner of composition prevail at the same moment, or succeed each other with a fearful rapidity. On one side are to be found authors, who profess to admire the easy flow and simplicity of the old style, the naturalness of familiar prose, and the tranquil dignity of higher compositions. But in their desire to be simple, they become extravagantly loose and inartificial; in their familiarity, feeble and drivelling; and in their more aspiring efforts, cold, abstract, and harsh. On the other side, there are those who have no love for polished perfection of style, for sustained and unimpassioned accuracy, for persuasive, but equable diction. They require more hurried tones, more stirring spirit, more glowing and irregular sentences. There must be intensity of thought and intensity of phrase at every turn. There must be bold and abrupt transitions, strong relief, vivid coloring, forcible expression. If these are present, all other faults are forgiven, or forgotten. Excitement is produced, and taste may slumber.

Examples of each sort may be easily found in our miscellaneous literature among minds of no ordinary cast. Our poetry deals less than formerly with the sentiments and feelings belonging to ordinary life. It has almost ceased to be didactic, and in its scenery and descriptions reflects too much the peculiarities and morbid visions of eccentric minds. How little do we see of the simple beauty, the chaste painting, the unconscious moral grandeur of Crabbe and Cowper? We have, indeed, successfully dethroned the heathen deities. The muses are no longer invoked by every unhappy inditer of verse. The naiads no longer inhabit our fountains, nor the dryads our woods. The river gods no longer rise, like old father Thames,

> "And the hush'd waves glide softly to the shore."

In these respects our poetry is more true to nature, and more conformable to just taste. But it still insists too much on extravagant events, characters and passions, far removed from common life, and farther removed from general sympathy. It

seeks to be wild, and fiery, and startling; and sometimes, in its caprices, low and childish. It portrays natural scenery as if it were always in violent commotion. It describes human emotions as if man were always in ecstasies or horrors. Whoever writes for future ages must found himself upon feelings and sentiments belonging to the mass of mankind. Whoever paints from nature will rarely depart from the general character of repose impressed upon her scenery, and will prefer truth to the ideal sketches of the imagination.

Our prose too has a tendency to become somewhat too ambitious and intense. Even in newspaper discussions of the merits or misdeeds of rulers, there is a secret dread of neglect, unless the page gives out the sententious pungency or sarcastic scorn of Junius. Familiar, idiomatic prose seems less attractive than in former times. Yet one would suppose that we might follow with safety the unaffected purity of Addison in criticism, and the graceful ease of Goldsmith in narrative. The neat and lively style of Swift loses nothing of its force by the simplicity with which it aims to put "proper words in proper places." The correspondence of Cowper is not less engaging, because it utters no cant phrases, no sparkling conceits, and no pointed repartees.

But these faults may be considered as temporary, and are far from universal. There is another, however, which is more serious and important in its character, and is the common accompaniment of success. It is the strong temptation of distinguished authors to premature publication of their labors, to hasty and unfinished sketches, to fervid but unequal efforts. He who writes for immortality must write slowly and correct freely. It is not the applause of the present day, or the deep interest of a temporary topic, or the consciousness of great powers, or the striking off of a vigorous discourse, which will insure a favorable verdict from posterity. It was a beautiful remark of Sir Joshua Reynolds, "that great works, which are to live and stand the criticism of posterity, are not performed at a heat." "I remember," said he, "when I was at Rome, looking at the fighting gladiator, in company with an eminent sculptor, and I expressed my admiration of the skill with which the whole is composed, and the minute attention of the artist to the change of every muscle in that momentary exertion of strength. He was of opinion that a work so perfect required nearly the whole life of man to per-

form." What an admonition! What a melancholy reflection to those who deem the literary fame of the present age the best gift to posterity. How many of our proudest geniuses have written, and continue to write, with a swiftness which almost rivals the operations of the press. How many are urged on to the ruin of their immortal hopes by that public favor which receives with acclamations every new offspring of their pen. If Milton had written thus, we should have found no scholar of our day, no "Christian Examiner," portraying the glory of his character with the enthusiasm of a kindred spirit. If Pope had written thus, we should have had no fierce contests respecting his genius and poetical attainments by our Byrons, and Bowleses, and Roscoes. If Vergil had written thus, he might have chanted his verses to the courtly Augustus; but Marcellus and his story would have perished. If Horace had written thus, he might have enchanted gay friends and social parties; but it would never have been said of his composition, "*decies repetita placebit.*"

Such are some of the considerations which have appeared to me fit to be addressed to you on the present occasion. It may be that I have overrated their importance, and I am not unconscious of the imperfections of my own execution of the task.

To us, Americans, nothing indeed can, or ought to be, indifferent that respects the cause of science and literature. We have taken a stand among the nations of the earth, and have successfully asserted our claim to political equality. We possess an enviable elevation, so far as concerns the structure of our government, our political policy, and the moral energy of our institutions. If we are not without rivals in these respects, we are scarcely behind any, even in the general estimate of foreign nations themselves. But our claims are far more extensive. We assert an equality of voice and vote in the republic of letters, and assume for ourselves the right to decide on the merits of others, as well as to vindicate our own. These are lofty pretensions, which are never conceded without proofs, and are severely scrutinized, and slowly admitted by the grave judges in the tribunal of letters. We have not placed ourselves as humble aspirants, seeking our way to higher rewards under the guardianship of experienced guides. We ask admission into the temple of fame, as joint heirs of the inheritance, capable in the manhood of our strength of maintaining our title. We contend for prizes with nations,

whose intellectual glory has received the homage of centuries. France, Italy, Germany, England, can point to the past for monuments of their genius and skill, and to the present with the undismayed confidence of veterans. It is not for us to retire from the ground which we have chosen to occupy, nor to shut our eyes against the difficulties of maintaining it. It is not by a few vain boasts, or vainer self-complacency, or rash daring, that we are to win our way to the first literary distinction. We must do as others have done before us. We must serve in the hard school of discipline; we must invigorate our powers by the studies of other times. We must guide our footsteps by those stars which have shone, and still continue to shine with inextinguishable light in the firmanent of learning. Nor have we any reason for despondency. There is that in American character which has never yet been found unequal to its purpose. There is that in American enterprise which shrinks not, and faints not, and fails not in its labors. We may say with honest pride,

> "Man is the nobler growth our realms supply,
> And souls are ripen'd in our northern sky."

We may not then shrink from a rigorous examination of our own deficiencies in science and literature. If we have but a just sense of our wants, we have gained half the victory. If we but face our difficulties, they will fly before us. Let us not discredit our just honors by exaggerating little attainments. There are those in other countries who can keenly search out and boldly expose every false pretension. There are those in our own country who would scorn a reputation ill-founded in fact, and ill-sustained by examples. We have solid claims upon the affection and respect of mankind. Let us not jeopard them by a false shame or an ostentatious pride. The growth of two hundred years is healthy, lofty, expansive. The roots have shot deep and far: the branches are strong and broad. I trust that many, many centuries to come will witness the increase and vigor of the stock. Never, never may any of our posterity have just occasion to speak of our country in the expressiveness of Indian rhetoric, "It is an aged hemlock; it is dead at the top."

I repeat it, we have no reason to blush for what we have been or what we are. But we shall have much to blush for,

if, when the highest attainments of the human intellect are within our reach, we surrender ourselves to an obstinate indifference, or shallow mediocrity; if, in our literary career, we are content to rank behind the meanest principality of Europe. Let us not waste our time in seeking for apologies for our ignorance where it exists, or in framing excuses to conceal it. Let our short reply to all such suggestions be, like the answer of a noble youth on another occasion, that we know the fact, and are every day getting the better of it.

What, then, may I be permitted to ask, are our attainments in science and literature, in comparison with those of other nations in our age? I do not ask if we have fine scholars, accomplished divines, and skilful physicians. I do not ask if we have lawyers who might excite a generous rivalry in Westminster Hall. I do not ask if we have statesmen who would stand side by side with those of the old world in foresight, in political wisdom, in effective debate. I do not ask if we have mathematicians who may claim kindred with the distinguished of Europe. I do not ask if we have historians who have told with fidelity and force the story of our deeds and our sufferings. I do not ask if we have critics, and poets, and philologists, whose compositions add lustre to the age. I know full well that there are such. But they stand as lighthouses on the coasts of our literature, shining with a cheering brightness, it is true, but too often at distressing distances.

In almost every department of knowledge the land of our ancestors annually pours forth from its press many volumes, the results of deep research, of refined taste, and of rich and various learning. The continent of Europe too burns with a generous zeal for science, even in countries where the free exercise of thought is prohibited and a stinted poverty presses heavily on the soul of enterprise Our own contributions to literature are useful and creditable; but it can rarely be said that they belong to th highest class of intellectual effort. We have but recently entered upon classical learning for the purpose of cultivating its most profound studies, while Europe may boast of thousands of scholars engaged in this pursuit. The universities o. Cambridge and Oxford count more than eight thousand students trimming their classical lamps, while we have not a single university whose studies profess to be ex-

tensive enough to educate a Heyne, a Bentley, a Porson, or a Parr. There is not, perhaps, a single library in America sufficiently copious to have enabled Gibbon to verify the authorities for his immortal "History of the Decline and Fall of the Roman Empire." Our advances in divinity and law are probably as great as in any branch of knowledge. Yet, until a late period, we never aspired to a deep and critical exposition of the Scriptures. We borrowed from Germany and England nearly all our materials, and are just struggling for the higher rewards of biblical learning. And in law, where our eminence is least of all questionable, there are those among us who feel that sufficient of its learning, and argument, and philosophy, remains unmastered, to excite the ambition of the foremost advocates.

Let me not be misunderstood. I advert to these considerations, not to disparage our country, or its institutions, or its means of extensive, I had almost said, of universal education. But we should not deceive ourselves with the notion, that, because education is liberally provided for, the highest learning is within the scope of that education. Our schools neither aim at, nor accomplish such objects. There is not a more dangerous error than that which would soothe us into indolence, by encouraging the belief that our literature is all it can or ought to be; that all beyond is shadowy and unsubstantial, the vain theories of the scientific, or the reveries of mere scholars. The admonition which addresses itself to my countrymen respecting their deficiencies, ought to awaken new energy to overcome them. They are accustomed to grapple with difficulties. They should hold nothing, which human genius or human enterprise has yet attained, as beyond their reach. The motto on their literary banner should be "*Nec timeo nec sperno.*" I have no fears for the future. It may not be our lot to see our celebrity in letters rival that of our public polity and free institutions. But the time cannot be far distant. It is scarcely prophecy to declare, that our children must and will enjoy it. They will see not merely the breathing marble, and the speaking picture among their arts, but science and learning everywhere paying a voluntary homage to American genius.

There is, indeed, enough in our past history to flatter our pride, and encourage our exertions. We are of the lineage of the Saxons, the countrymen of Bacon, Locke, and Newton, as

well as of Washington, Franklin, and Fulton. We have read the history of our forefathers. They were men full of piety, and zeal, and an unconquerable love of liberty. They also loved human learning, and deemed it second only to divine. Here, on this very spot, in the bosom of the wilderness, within ten short years after their voluntary exile, in the midst of cares, and privations, and sufferings, they found time to rear a little school, and dedicate it to God and the church. It has grown; it has flourished; it is the venerable university, to whose walls her grateful children annually come with more than filial affection. The sons of such ancestors can never dishonor their memories; the pupils of such schools can never be indifferent to the cause of letters.

There is yet more in our present circumstances to inspire us with a wholesome consciousness of our powers and our destiny. We have just passed the jubilee of our Independence, and witnessed the prayers and gratitude of millions ascending to heaven for our public and private blessings. That independence was the achievement, not of faction and ignorance, but of hearts as pure, and minds as enlightened, and judgments as sound, as ever graced the annals of mankind. Among the leaders were statesmen and scholars, as well as heroes and patriots. We have followed many of them to the tomb, blest with the honors of their country. We have been privileged yet more; we have lived to witness an almost miraculous event in the departure of two great authors of our independence on that memorable and blessed day of jubilee.

I may not in this place presume to pronounce the funeral panegyric of these extraordinary men. It has been already done by some of the master spirits of our country, by men worthy of the task, worthy as Pericles to pronounce the honors of the Athenian dead. It was the beautiful saying of the Grecian orator, that "This whole earth is the sepulchre of illustrious men. Nor is it the inscriptions on the columns in their native soil alone, that show their merit, but the memorial of them, better than all inscriptions, in every foreign nation, reposited more durably in universal remembrance, than on their own tomb."

Such is the lot of Adams and Jefferson. They have lived, not for themselves, but for their country; not for their country alone, but for the world. They belong to history, as furnishing some

of the best examples of disinterested and successful patriotism. They belong to posterity, as the instructors of all future ages in the principles of rational liberty and the rights of the people. They belong to us of the present age by their glory, by their virtues, and by their achievements. These are memorials which can never perish. They will brighten with the lapse of time, and, as they loom on the ocean of eternity, will seem present to the most distant generations of men. That voice of more than Roman eloquence, which urged and sustained the Declaration of Independence, that voice, whose first and whose last accents were for his country, is indeed mute. It will never again rise in defence of the weak against popular excitement, and vindicate the majesty of law and justice. It will never again awaken a nation to arms to assert its liberties. It will never again instruct the public councils by its wisdom. It will never again utter its almost oracular thoughts in philosophical retirement. It will never again pour out its strains of parental affection, and in the domestic circle give new force and fervor to the consolations of religion. The hand, too, which inscribed the Declaration of Independence is indeed laid low. The weary head reposes on its mother earth. The mountain winds sweep by the narrow tomb, and all around has the loneliness of desolation. The stranger guest may no longer visit the hospitable home, and find him there, whose classical taste and various conversation lent a charm to every leisure hour; whose bland manners and social simplicity made every welcome doubly dear; whose expansive mind commanded the range of almost every art and science; whose political sagacity, like that of his illustrious coadjutor, read the fate and interests of nations, as with a second sight, and scented the first breath of tyranny in the passing gale; whose love of liberty, like his, was inflexible, universal, supreme; whose devotion to their common country, like his, never faltered in the worst, and never wearied in the best of times; whose public services ended but with life, carrying the long line of their illumination over sixty years; whose last thoughts exhibited the ruling passion of his heart, enthusiasm in the cause of education; whose last breathing committed his soul to God, and his offspring to his country.

Yes, Adams and Jefferson are gone from us forever—gone, as a sunbeam to revisit its native skies—gone, as this mortal to put

on immortality. Of them, of each of them, every American may exclaim:

> "Ne'er to the chambers, where the mighty rest,
> Since their foundation, came a nobler guest,
> Nor e'er was to the bowers of bliss convey'd
> A fairer spirit, or more welcome shade."

We may not mourn over the departure of such men. We should rather hail it as a kind dispensation of Proivdence, to effect our hearts with new and livelier gratitude. They were not cut off in the blossom of their days, while yet the vigor of manhood flushed their cheeks, and the harvest of glory was ungathered. They fell not as martyrs fall, seeing only in dim perspective the salvation of their country. They lived to enjoy the blessings earned by their labors, and to realize all which their fondest hopes had desired. The infirmities of life stole slowly and silently upon them, leaving still behind a cheerful serenity of mind. In peace, in the bosom of domestic affection, in the hallowed reverence of their countrymen, in the full possession of their faculties, they wore out the last remains of life, without a fear to cloud, with scarcely a sorrow to disturb its close. The joyful day of our jubilee came over them with its refreshing influence. To them, indeed, it was "a great and good day." The morning sun shone with softened lustre on their closing eyes. Its evening beams played lightly on their brows, calm in all the dignity of death. Their spirits escaped from these frail tenements without a struggle or a groan. Their death was gentle as an infant's sleep. It was a long, lingering twilight, melting into the softest shade.

Fortunate men, so to have lived, and so to have died. Fortunate, to have gone hand in hand in the deeds of the Revolution. Fortunate, in the generous rivalry of middle life. Fortunate, in deserving and receiving the highest honors of their country. Fortunate in old age to have rekindled their ancient friendship with a holier flame. Fortunate, to have passed through the dark valley of the shadow of death together. Fortunate, to be indissolubly united in the memory and affections of their countrymen. Fortunate, above all, in an immortality of virtuous fame, on which history may with severe simplicity write the dying encomium of Pericles, "No citizen, through their means, ever put on mourning."

I may not dwell on this theme. It has come over my thoughts, and I could not wholly suppress the utterance of them. It was my principal intention to hold them up to my countrymen, not as statesmen and patriots, but as scholars, as lovers of literature, as eminent examples of the excellence of the union of ancient learning with modern philosophy. Their youth was disciplined in classical studies; their active life was instructed by the prescriptive wisdom of antiquity; their old age was cheered by its delightful reminiscences. To them belongs the fine panegyric of Cicero, "*Erant in eis plurimæ litteræ, nec eæ vulgares, sed interiores quædam, et reconditæ; divina memoria, summa verborum et gravitas et elegantia; atque hæc omnia vitæ decorabat dignitas et integritas.*"

I will ask your indulgence only for a moment longer. Since our last anniversary, death has been annually busy in thinning our numbers. I may not look on the right, or the left, without missing some of those who stood by my side in my academic course, in the happy days spent within yonder venerable walls.

"These are counsellors, that feelingly persuade us what we are," and what we must be. Shaw and Salisbury are no more. The one, whose modest worth and ingenuous virtue adorned a spotless life; the other, whose social kindness and love of letters made him welcome in every circle. But, what shall I say of Haven, with whom died a thousand hopes, not of his friends and family alone, but of his country? Nature had given him a strong and brilliant genius; and it was chastened and invigorated by grave, as well as elegant studies. Whatever belonged to human manners and pursuits, to human interests and feelings, to government, or science, or literature, he endeavored to master with a scholar's diligence and taste. Few men have read so much or so well. Few have united such manly sense with such attractive modesty. His thoughts and his style, his writings and his actions, were governed by a judgment, in which energy was combined with candor, and benevolence with deep, unobtrusive, and fervid piety. His character may be summed up in a single line, for there

> "was given
> To Haven every virtue under Heaven."

He had just arrived at the point of his professional career, in which skill and learning begin to reap their proper reward. He

was in possession of the principle blessings of life—of fortune, of domestic love, of universal respect. There are those who had fondly hoped, when they should have passed away, he might be found here to pay a humble tribute to their memory. To Providence it has seemed fit to order otherwise, that it might teach us "what shadows we are, and what shadows we pursue." We may not mourn over such a loss, as those who are without hope. That life is not too short which has accomplished its highest destiny; that spirit may not linger here, which is purified for immortality.

SPEECH ON THE NEW ARMY BILL

BY

HENRY CLAY

HENRY CLAY

1777—1852

The great Kentuckian was born in Hanover County, Virginia, April 12, 1777. He removed to Kentucky at the age of twenty-one, after a meagre education at a back-country school, and some experiences of the principles of trade as studied behind the counter of a grocery store. He was solicitous chiefly to make an honest living; so he applied himself to the study of law. He had immense powers of application, and in about a year he had so far mastered the elements that he made bold to open an office for practice. His success was better than might have been expected; it was largely due to the affability of his general conversation, which inclined his friends to patronize him whenever possible; and he soon showed that their confidence or favor was not abused. In 1803, at the age of twenty-six, he was chosen representative of Fayette County. From that time till near the end of his life, Henry Clay was never without a voice in the councils of his country.

The public positions which he filled were numerous and honorable; and in all of them he set a standard of ability which was difficult to rival. He was United States Senator from 1806 to 1807, and again from 1809 to 1811. From the latter year until 1821 he served as member of Congress, acting as Speaker until 1814, and from 1815 to 1820. From 1823 to 1825 he was once more in the House, in his old place as Speaker; and in 1824 he was for the first time candidate for the presidency. Meantime, in 1814, he had been sent as peace commissioner to Ghent, where he signed a treaty which was regarded as being advantageous to Great Britain. The mission to Russia was tendered to him, but he declined it, and also the office of Secretary of War. But he accepted the Secretaryship of State in 1825, and administered it for four years; in 1832 he was again Senator, and retained that dignity till 1842; and yet again from 1849 to 1852. In 1832 he had been Whig candidate for President a second time; and he ran a third time in 1844, and in 1850 he engineered the famous Compromise Measure. Two years after this he died, after a full and useful life of seventy-five years.

This outline indicates a devotion to high public ends almost without a parallel in our annals. He was a man of deed as well as of words; he accomplished results by working for them; and the country still bears the marks of his handiwork. We find always that he spoke from a deep persuasion that his message was true and worthy; in no other way could he attain to the power of convincing and arousing others which he possessed in so great a degree. He saw his subject in the clearest light, through all the conditions which surrounded it; and never losing sight of it himself, he made it impossible that his auditors should misapprehend it. Grace and beauty attended his sentences, but as ornaments of what was greater and sincerer than they, as atmospheres and verdure clothe a planet in its flight. The speech on "The New Army Bill" is one of the most forceful and characteristic of his utterances on political issues.

SPEECH ON THE NEW ARMY BILL

Delivered in the House of Representatives, January 8, 1813, on a bill, proposing an increase in the existing military establishment

MR. CHAIRMAN: I was gratified yesterday by the recommitment of this bill to a committee of the whole House, from two considerations; one, since it afforded me a slight relaxation from a most fatiguing situation; and the other, because it furnished me with an opportunity of presenting to the committee my sentiments upon the important topics which have been mingled in the debate. I regret, however, that the necessity under which the chairman has been placed of putting the question precludes the opportunity, I had wished to enjoy, of rendering more acceptable to the committee anything I might have to offer on the interesting points, on which it is my duty to touch. Unprepared, however, as I am to speak on this day, of which I am the more sensible from the ill state of my health, I will solicit the attention of the committee for a few moments.

I was a little astonished, I confess, when I found this bill permitted to pass silently through the committee of the whole, and not selected, until the moment when the question was about to be put for its third reading, as the subject on which gentlemen in the opposition chose to lay before the House their views of the interesting attitude in which the nation stands. It did appear to me, that the loan bill, which will soon come before us, would have offered a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the character of some part of the debate, at the latitude in which, for once, they have been indulged. I claim only, in return, of gentlemen on the other side of the House, and

of the committee, a like indulgence in expressing my sentiments with the same unrestrained freedom. Perhaps, in the course of the remarks which I may feel myself called upon to make, gentlemen may apprehend that they assume too harsh an aspect: but I have only now to say, that I shall speak of parties, measures and things, as they strike my moral sense, protesting against the imputation of any intention, on my part, to wound the feelings of any gentlemen.

Considering the situation in which this country is now placed—a state of actual war with one of the most powerful nations on the earth—it may not be useless to take a view of the past, and of the various parties which have at different times appeared in this country, and to attend to the manner, by which we have been driven from a peaceful posture to our present warlike attitude. Such an inquiry may assist in guiding us to that result, an honorable peace, which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the government has been unremittingly impeded for the last twelve years, is singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the administration to preserve peace. It was their duty, because it is necessary to the growth of an infant people, to their genius and to their habits. It was their interest, because a change of the condition of the nation, brings along with it a danger of the loss of the affections of the people. The administration has not been forgetful of these solemn obligations. No art has been left unessayed; no experiment, promising a favorable result, left untried, to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have accomplished its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came a law of non-intercourse; and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized upon with avidity by the administration. The arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with

what unfeigned sincerity, with what real effort administration cultivates peace, the opposition insist that it alone is culpable for every breach that is made between the two countries. Because the President thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate that it would have better comported with the justice of the King (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees in that imaginary insult abundant cause for rejecting Mr. Erskine's arrangement. On another occasion, you cannot have forgotten the hypercritical ingenuity which they displayed, to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own government half the sensibility, which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried; negotiation has been resorted to, until further negotiation would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war; the proud, the spirited, the sole repository of the nation's honor; the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble and pusillanimous—" incapable of being kicked into a war." The maxim, " not a cent for tribute, millions for defence," is loudly proclaimed. Is the administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and to their interests; when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war, its tragical events, the squandering away of your resources, the waste of the public treasure, and the spilling of innocent blood. " Gorgons, hydras and chimeras dire." They tell you that honor is an allusion! Now we see them exhibiting the terrific forms of the roaring king of the forest: now the meekness and humility of the lamb! They are for war and no restrictions,

when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party and of all nations, steady only in one unalterable purpose, to steer, is possible, into the haven of power.

During all this time, the parasites of opposition do not fail, by cunning sarcasm or sly innuendo, to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence! The administration of this country subservient to France! Great God! what a charge! how is it so influenced? By what ligament, on what basis, on what possible foundation does it rest? Is it similarity of language? No! we speak different tongues, we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism, which everywhere else tramples it under foot. Where then is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told it as a fact), that an honorable member of this House, now in my eye, recently lost his election by the circulation of a silly story in his district, that he was the first cousin of the Emperor Napoleon. The proof of the charge rested on a statement of facts, which was undoubtedly true. The gentleman in question, it was alleged, had married a connection of the lady of the President of the United States, who, was the intimate friend of Thomas Jefferson, late President of the United States, who some years ago, was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily follows!

Throughout the period I have been speaking of, the opposition has been distinguished, amidst all its veerings and

changes, by another inflexible feature, the application to Bonaparte of every vile and opprobrious epithet, our language, copious as it is in terms of vituperation, affords. He has been compared to every hideous monster and beast, from that mentioned in the Revelations, down to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, and the great robber, the infidel, the modern Attila, and heaven knows by what other names. Really, gentlemen remind me of an obscure lady, in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She too spoke of the destruction of the balance of power, stormed and raged about the insatiable ambition of the Emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience, and when she had ceased, said to her, with ineffable politeness: "Madam, it would give my master, the Emperor, infinite pain, if he knew how hardly you thought of him." Sir, gentlemen appear to me to forget that they stand on American soil; that they are not in the British House of Commons, but in the chamber of the House of Representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts of another country, and forgetting from honest zeal the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me, whether I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte—I reply that I do. I regret to see the Emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. If I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and pre-

serve the integrity of the Empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries, or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united, we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated and torn asunder, we shall became an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French Emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts, Mr. Quincy, of whom I am sorry to say, it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801, he snatched from the rude hand of usurpation the violated constitution of his country, and that is his crime. He preserved that instrument in form, and substance, and spirit, a precious inheritance for generations to come, and for this he can never be forgiven. How vain and impotent is party rage directed against such a man! He is not more elevated by his lofty residence upon the summit of his own favorite mountain, than he is lifted by the serenity of his mind and the consciousness of a well spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not more moved by the storms that beat against its sides, than is this illustrious man, by the howlings of the whole British pack set loose from the Essex kennel! When the gentleman to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors; when he shall have been consigned to oblivion, or if he lives at all, shall live only in the treasonable annals of a certain junto; the name of Jefferson will be hailed with gratitude, his memory honored and cherished as

the second founder of the liberties of the people, and the period of his administration will be looked back to, as one of the happiest and brightest epochs of American history—an oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed: I think it was about four years ago that he submitted to the House of Representatives an initiative proposition for an impeachment of Mr. Jefferson. The House condescended to consider it. The gentleman debated it with his usual temper, moderation and urbanity. The House decided upon it in the most solemn manner, and, although the gentleman had somehow obtained a second, the final vote stood, one for, and one hundred and seventeen against the proposition! The same historic page that transmitted to posterity the virtue and the glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the fanatic assassin of that excellent monarch. The same sacred pen that portrayed the sufferings and crucifixion of the Saviour of mankind, has recorded, for universal execration, the name of him who was guilty, not of betraying his country (but a kindred crime), of betraying his God.

In one respect there is a remarkable difference between the administration and the opposition; it is in a sacred regard for personal liberty. When out of power my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press in the sedition law; they opposed the more insidious attack upon the freedom of the person under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose a war undertaken for this object. They have, indeed, lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it must be evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue evinces that it is not their vernacular tongue. What! the opposition, who, in 1798 and 1799, could raise a useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known

and specified object—the attack of the adjoining provinces of the enemy! What! the gentleman from Massachusetts, who assisted by his vote to raise the army of twenty-five thousand, alarmed at the danger of our liberties from this very army!

But, sir, I must speak of another subject, which I never think of but with feelings of the deepest awe. The gentleman from Massuchusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot of a much more serious and alarming character—a plot that aims at the dismemberment of our Union, had only the same imaginary existence. But no man who has paid any attention to the tone of certain prints, and to transactions in a particular quarter of the Union, for several years past, can doubt the existence of such a plot. It is far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I cannot say as much for some, who have been unworthily associated with them in the quarter of the Union to which I have referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this House, " peaceably if we can, forcibly if we must," nearly at the very time Henry's mission to Boston was undertaken. The flagitiousness of that embassy has been attempted to be concealed, by directing the public attention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated upon a proposition so infamous and unnatural! There is a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected, that the neutrality and eventual separation of that section of the Union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers that this very neutrality would take place? That they have so asserted can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the

stock of good-sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship, of peace and commerce on the one side, and by the groundless imputation of opposite propensities on the other. The affections of the people there are gradually to be undermined. The project is suggested or withdrawn; the diabolical *dramatis personæ*, in this criminal tragedy, make their appearance or exit, as the audience to whom they address themselves applaud or condemn. I was astonished, sir, in reading lately a letter, or pretended letter, published in a prominent print in that quarter, and written, not in the fervor of party zeal, but coolly and dispassionately, to find that the writer affected to reason about a separation, and attempted to demonstrate its advantages to the different portions of the Union—deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject; I will turn from one, whom no sense of decency or propriety could restrain from soiling the carpet on which he treads, to gentlemen who have not forgotten what is due to themselves, to the place in which we are assembled, or to those by whom they are opposed. The gentlemen from North Carolina, Mr. Pearson, from Connecticut, Mr. Pitkin, and from New York, Mr. Bleecker, have, with their usual decorum, contended that the war would not have been declared had it not been for the duplicity of France, in withholding an authentic instrument, repealing the decrees of Berlin and Milan; that upon the exhibition of such an instrument the revocation of the orders in council took place; that this main cause of the war, but for which it would not have been declared, being removed, the administration ought to seek for the restoration of peace; and that upon its sincerely doing so, terms compatible with the honor and interest of this country might be obtained. It is my purpose to examine, first, into the circumstances under which the war was declared; secondly, into the causes of continuing it; and lastly, into the means which have been taken, or ought to be taken, to procure peace; but, sir, I am really so exhausted, that, little as I am in the habit of asking of the House an indulgence of this kind, I feel I must trespass on their goodness.

[Here Mr. Clay sat down. Mr. Newton moved that the committee rise, report progress, and ask leave to sit again, which was done. On the next day Mr. Clay proceeded:]

I am sensible, Mr. Chairman, that some part of the debate, to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this House, and of which it is to be hoped, there will be no repetition. The gentleman from Boston, had so absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I have the honor to follow, Mr. Wheaton, whatever else he might not have proved, in his very learned, ingenious, and original exposition of the powers of this government—an exposition in which he has sought, where nobody before him has, and nobody after him will look, for a grant of our powers, I mean the preamble to the constitution—has clearly shown, to the satisfaction of all who heard him, that the power of defensive war is conferred. I claim the benefit of a similar principle, in behalf of my political friends, against the gentleman from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the freedom of debate—no member is more responsible for its abuse; and if, on this occasion, its just limits have been violated, let him, who has been the unprovoked aggressor, appropriate to himself, exclusively the consequences.

I omitted, yesterday, sir, when speaking of a delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the Union employ to effect their nefarious purposes—I mean Southern influence. The true friend to his country, knowing that our constitution was the work of compromise, in which interests, apparently conflicting, were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient to imagine the existence of certain improper influences, and to propagate, with their utmost industry, a belief of them. Hence the idea of Southern preponderance; Virginia influence; the yoking of the respectable yeomanry of the North, with negro slaves, to the car of Southern nabobs. If Virginia really cherishes a reprehensible ambition, an aim to monopolize

the chief magistracy of the country, how is such a purpose to be accomplished? Virginia, alone, cannot elect a President, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many States. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment—public sentiment which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public sentiment—is he prepared to admit, that he would arrest the progress of opinion?

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprise—"Thus far shalt thou go, and no farther"—orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war, so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact which transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals.

My honorable colleague, Mr. M'Kee, moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom, seven belonged to this side of the

House, and three only to the other! It is said that we were inveigled into the war by the perfidy of France; and that had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen everything they ask about the injustice of France towards this country. I wish to God that our ability was equal to our disposition to make her feel the sense that we entertain of that injustice. The manner of the publication of the paper in question was undoubtedly extremely exceptionable. But I maintain, that, had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back than to the letters of the British minister, addressed to the Secretary of State just before the expiration of his diplomatic functions. It will be recollected by the committee that he exhibited to this government a despatch from Lord Castlereagh, in which the principle was distinctly avowed, that, to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But on the tenth of June, after the bill declaring war had actually passed this House, and was pending before the Senate (and which, I have no doubt, was known to him), in a letter to Mr. Monroe, he says: "I have no hesitation, sir, in saying, that Great Britain, as the case has hitherto stood, never did, nor ever could engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would except, singly and specially, America from the operation of her decrees." On the fourteenth of the same month, the bill still pending before the Senate, he repeats: "I will now say that I feel entirely authorized to assure you, that if you can at any time produce a full and unconditional repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing such an instrument, which I am sorry to see you regard as un-

necessary, you cannot expect of us to give up our orders in council." Thus, sir, you see that the British government would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government. It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended, that, in point of fact, it did produce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared, by one of the British ministry in Parliament, not to be satisfactory. And all the world knows that the repeal of the orders in council resulted from the inquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this government, or to both. But it is said, that the orders in council are withdrawn, no matter from what cause; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me to the examination of the grounds for continuing the present hostilities between this country and Great Britain.

I am far from acknowledging, that, had the orders in council been repealed, as they have been, before the war was declared, the declaration of hostilities would of course have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. As to myself, I have no hesitation in saying that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies, of which she constitutes herself the sole judge. She waives the temporary use of the rod, but she suspends it *in terrorem* over our heads. Supposing it to be conceded to gentlemen that such a repeal of the orders in council, as took place on the twenty-third of June last, exceptionable

as it is, being known before the war was proclaimed, would have prevented it: does it follow, that it ought to induce us to lay down our arms, without the redress of any other injury of which we complain?

Does it follow, in all cases, that that, which would in the first instance have prevented, would also terminate the war? By no means. It requires a strong and powerful effort in a nation, prone to peace as this is, to burst through its habits and encounter the difficulties and privations of war. Such a nation ought but seldom to embark in a belligerent contest; but when it does, it should be for obvious and essential rights alone, and should firmly resolve to extort, at all hazards, their recognition. The War of the Revolution is an example of a war begun for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence. The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved that independence. When nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say that American seamen shall be surrendered as victims to the British principle of impressment? And, sir, what is this principle? She contends, that she has a right to the services of her own subjects; and that, in the exercise of this right, she may lawfully impress them, even although she finds them in American vessels, upon the high seas without her jurisdiction. Now I deny that she has any right, beyond her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose than in the pursuit of enemies, or their goods, or goods contraband of war.

But she further contends, that her subjects cannot renounce their allegiance to her, and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations, at the same time, admit and practise the right of naturalization. Great Britain herself does this. Great Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if

subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the sovereign having the possession of the subject, would have the right to the services of the subject. If he return within the jurisdiction of his primitive sovereign, he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him, out of his own jurisdiction, into the jurisdiction of another sovereign, or upon the high seas; where there exists either no jurisdiction, or it is possessed by the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look; it is to her practice, no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist without the impressment of her seamen. The naked truth is, she comes, by her press gangs, on board of our vessels, seizes our native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle—a principle which, if it were theoretically right, must be forever practically wrong—a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation.

We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave—"Let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great Britain desires a mark, by which she can know her own subjects, let her give them an ear-mark. The colors that float from the mast-head should be the credentials of

our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag (not being enemies), are protected by the flag. It is impossible that this country should ever abandon the gallant tars, who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side: "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you, but I cannot, my son, fight for you." If he did not consider this mere mockery, the poor tar would address her judgment and say, "You owe me, my country, protection; I owe you, in return, obedience. I am no British subject, I am a native of old Massachusetts, where live my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours?" Appealing to her passions, he would continue: "I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck." If she remained still unmoved, he would break out, in the accents of mingled distress and despair:

> "Hard, hard is my fate! once I freedom enjoyed,
> Was as happy as happy could be!
> Oh! how hard is my fate, how galling these chains!"

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection.

It is said, that Great Britain has been always willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one, prior to his departure from that country. Let us hear what that minister says, upon his return to America. In his letter, dated at New York, in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with Lords Hawkesbury and St. Vincent, and stating, that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up (the "*mare clausum*,") he

concludes: "I regret not to have been able to put this business on a satisfactory footing, knowing as I do its very great importance to both parties; but I flatter myself, that I have not misjudged the interests of our own country, in refusing to sanction a principle, that might be productive of more extensive evils than those it was our aim to prevent." The sequel of his negotiation, on this affair, is more fully given in the recent conversation between Mr. Russell and Lord Castlereagh, communicated to Congress during its present session. Lord Castlereagh says to Mr. Russell:

"Indeed, there has evidently been much misapprehension on this subject, an erroneous belief entertained, that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in Congress, I mean those who are opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error probably originated with Mr. King; for, being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction on their part, of the propriety of adopting the plan which he had proposed. But Lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on this subject to be attended with formidable, if not insurmountable, obstacles. This is obvious from a letter which his lordship addressed to Sir William Scott at the time." Here Lord Castlereagh read a letter, contained in the records before him, in which Lord St. Vincent states to Sir William Scott the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see," proceeded Lord Castlereagh, "that the confidence of Mr. King on this subject was entirely unfounded."

Thus it is apparent, that at no time has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by administration since the war.

The honorable gentleman from New York, Mr. Bleecker, in the very sensible speech with which he favored the committee, made one observation which did not comport with his usual liberal and enlarged views. It was, that those who are most interested against the practice of impressment, did not desire a continuance of the war on account of it, whilst those (the Southern and Western members), who had no interest in it, were the zealous advocates of American seamen. It was a provincial sentiment unworthy of that gentleman. It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk in the Western wilds, although his quarter of the Union may be exempted from similar barbarities? I am sure he does. If there be a description of rights, which, more than any other, should unite all parties in all quarters of the Union, it is unquestionably the rights of the person. No matter what his vocation; whether he seeks subsistence amidst the dangers of the deep, or draws them from the bowels of the earth, or from the humblest occupations of mechanic life: whenever the sacred rights of an American freeman are assailed, all hearts ought to unite, and every arm should be braced to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him, it is a cold, sterile and inhospitable region. And yet, such are the allurements which it offers, that the same gentleman apprehends that, if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the Union! That gentleman considers it honest to hold Canada as a kind of hostage; to regard it as a sort of bond for the good behavior of the enemy. But he will not enforce the bond. The actual conquest of that country would, according to him, make no impression upon the enemy, and yet the very apprehension only of such a conquest, would at all times have a powerful operation upon him! Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as harmless and unoffending, as connected with those of the bordering States by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighborhood. Canada innocent! Canada

unoffending! Is it not in Canada, that the tomahawk of the savage has been moulded into its deathlike form? Has it not been from Canadian magazines, Malden and others, that those supplies have been issued which nourish and continue the Indian hostilities? Supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible excesses and murders! Was it not by the joint co-operation of Canadians and Indians that a remote American fort, Michilimackinac, was assailed and reduced, while in ignorance of a state of war? But, sir, how soon have the opposition changed their tone. When administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old-fashioned war. And now they have got old-fashioned war, their sensibilities are cruelly shocked, and all their sympathies lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another—a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property and citizens of the other; subject only to the rules of mitigated war practised by civilized nations. The gentleman would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of His Majesty must not be attacked, for the learned gentlemen, on the other side, are quite familiar with the maxim, that the king can do no wrong. Indeed, sir, I know of no person on whom we may make war upon the principles of the honorable gentleman, but Mr. Stephen, the celebrated author of the orders in council, or the board of admiralty, who authorize and regulate the practice of impressment!

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements by land have been less splendid than those of our intrepid seamen by water, it is not because the American soldier is less brave. On the one element, organization, discipline, and a thorough knowledge of their duties exist, on the part of the officers and their men. On the other, almost everything is yet to be acquired. We have, however, the consolation that our country abounds with the richest materials, and that in no instance, when

engaged in action, have our arms been tarnished. At Brownstown and at Queenstown the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings; it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it, the Indian war would have been in a great measure prevented or terminated; the ascendency on Lake Erie acquired, and the war pushed on perhaps to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits, which, whatever interests they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition under the command of Gov. Edwards and Colonel Russell, to Lake Peoria, on the Illinois, was completely successful. So was that of Captain Craig, who, it is said, ascended that river still higher. General Hopkins destroyed the prophet's town. We have just received intelligence of the gallant enterprise of Colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash, and a hostile country has been penetrated far beyond the most daring incursions of any campaign during the former Indian war. Never was more cool, deliberate bravery displayed, than that by Newman's party from Georgia; and the capture of the Detroit, and the destruction of the Caledonia (whether placed to a maritime or land account), for judgment, skill and courage on the part of Lieutenant Elliot, have never been surpassed.

It is alleged that the elections in England are in favor of the ministry, and that those in this country are against the war. If, in such a cause (saying nothing of the impurity of their elections), the people of that country have rallied round their government, it affords a salutary lesson to the people here, who, at all hazards, ought to support theirs, struggling as it is to maintain our just rights. But the people here have not been false to themselves; a great majority approve the war, as is evinced by the recent re-election of the chief magistrate. Suppose it were even true, that an entire section of the Union were opposed

to the war, that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition has been greatly exaggerated. Vermont has by two successive expressions of her opinion, approved the declaration of war. In New Hampshire, parties are so nearly equipoised, that out of thirty or thirty-five thousand votes, those who approved and are for supporting it, lost the election by only one thousand or one thousand five hundred. In Massachusetts alone have they obtained any considerable accession. If we come to New York, we shall find that other and local causes have influenced her elections.

What cause, Mr. Chairman, which existed for declaring the war has been removed? We sought indemnity for the past and security for the future. The orders in council are suspended, not revoked; no compensation for spoliations. Indian hostilities, which were before secretly instigated, are now openly encouraged; and the practice of impressment unremittingly persevered in and insisted upon. Yet administration has given the strongest demonstrations of its love of peace. On the twenty-ninth of June, less than ten days after the declaration of war, the Secretary of State writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only, and what are they? That the orders in council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a real truce; that the war should in fact cease on both sides. Again, on the twenty-seventh of July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut, Mr. Pitkin, contends ought to be made, has been made. How are these specific advances met by the other party? Rejected as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of Congress is intimated. And yet the constant usage of nations I believe is, where the legislation of one party is necessary to carry into effect a given stipu-

lation, to leave it to the contracting party to provide the requisite laws. If he fail to do so, it is a breach of good faith, and becomes the subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British government, Lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our government is misinterpreted and made the occasion of a sneer, that we are tired of the war. The proposition of Admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose that the government of the United States shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the terirtories of His Majesty or the persons or property of his subjects. That small affair being settled, he is further authorized to arange as to the revocation of the laws which interdict the commerce and ships of war of His Majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, a contrite retraction of all our measures adopted against his master! And in default, he does not fail to assure us, the orders in council are to be forthwith revived. Administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and in its answer concludes by informing Admiral Warren, "that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, without the armistice, to an immediate discussion and arrangement of an article on that subject." Thus it has left the door of negotiation unclosed, and it remains to be seen if the enemy will accept the invitation tendered to him. The honorable gentleman from North Carolina, Mr. Pearson, supposes that if Congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt, if such a law were to pass, with all the requisite solemnities, and the re-

peal to take place, Lord Castlereagh would laugh at our simplicity. No, sir, administration has erred in the steps which it has taken to restore peace, but its error has been, not in doing too little, but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax.

We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half-way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for free trade and seaman's rights.

INCREASE OF THE ARMY

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BY

JOHN CALDWELL CALHOUN

JOHN CALDWELL CALHOUN

1782—1850

John Caldwell Calhoun was born in South Carolina, his family having removed thither from the place of their original settlement in Pennsylvania. In them the Scotch and Irish blood mingled, and was disciplined by the rigors of the Presbyterian faith. Strong brain and deep-burning ardor were in Calhoun welded into severe form by the severity of religious training; and to this he added, by dint of persistent labor, the advantages of a college education. In spite of his poverty, he entered Yale, and graduated with the highest honors. His mind seems always to have been mature and serious, and occupied with the most important questions of practical politics.

He was ushered into the world by the last echoes of the Revolution, in 1782; and died, eleven years before that other war the coming of which he foresaw, in 1850. His graduation took place in 1804, and he immediately entered the law school at Litchfield, Connecticut, and was admitted to the bar in 1807. The law, however, was not his true mistress, though, as so often happens, she was to be the means of his introduction to the more exciting intimacy of politics. Only a year after he had opened his little office in Abbeville he was called to the State legislature, and served his term there. So notable were his services there, that when the Congressional session of 1811 began, Calhoun was found in his seat as representative from South Carolina. His public life was passed in Washington from that time till the end, a span of forty years. He was Secretary of War in the Cabinet of President Monroe, in 1817; and was elected Vice-President of the United States in 1825, when John Quincy Adams came into power, retaining that office through Jackson's first term. In 1832, he became Senator, and held his seat till 1843; the following year, with Tyler as the executive, he accepted the portfolio of Secretary of State. Finally, in 1845, he resumed his place in the Senate, and there, five years later, his career and his life came to an end.

He was one of the three great statesmen of that wonderful generation which produced Clay, Webster, and himself. Three men of larger calibre never sat together in the same legislative assembly; there were many in Congress during their period who, under any ordinary circumstances, would have been considered great; but these giants caused them to dwindle into mediocrity by contrast. In the great drama of our politics these three played their parts in a way to make the world marvel, not merely at their oratory, but at their general political ability. No dramatist could have selected characters more diverse one from another, or better calculated to set off one another's points. Calhoun was the strongest of the three; but he was pledged to a losing cause, and though he was worshipped by the people of his own section, whose battle he so valiantly fought, he did not make the impression upon the imagination of the nation as a whole that was effected by his two rivals. Had Calhoun's lot been cast in a different environment, he

might have shown greater breadth of political sympathies than, as a matter of fact, he did or could. But the question of State rights, which was fated finally to divide the country against itself, found its strongest accentuation among the people of South Carolina; and Calhoun was their champion. The flaw inherent in our constitution, and logically inseparable from it, had now made itself apparent, and must needs be dealt with. It was brought into prominence by the slavery question; slaveholding seemed indispensable to economic conditions in the South, while the North, differently situated, allowed its moral disapprobation towards the practice to abound. Hereupon loomed up the great problems: how was a division to be made between free and slaveholding States, in the rapid expansion of the country; and how was a State to be checked from retaining what institutions it pleased within its own boundaries? State rights and slavery went together; and the constitution might be interpreted to favor either party to the dispute. Never was there a prettier quarrel for statesmen to sharpen their wits over; and it created the men to do battle for it. They worked and argued as no men ever did before; but after all was said and done, they were unable to settle the matter; and nothing was left at the end of their labors but the arbitrament of the sword.

Clay sought compromises, and Webster appealed to the moral obligations of union and patriotism; but Calhoun devoted himself singly to defending slavery and State rights. This concentration of so powerful a mind upon one object gave him an enormous force; and the close and unrelenting logic with which he buttressed his claims could not be successfully met by his opponents. As arguments, indeed, they still remain unanswered. In other words, it was impossible to frame a State upon a strictly logical basis. There must be a give-and-take, an inconsistency, in order that the State might live. The States must be free, or the health of the country would be destroyed; and yet their freedom must not interfere with the higher freedom of the nation, or the Union would crumble to pieces and be at the mercy of political highwaymen at home and abroad. But Calhoun stood to his point; were the States to be free, or only nominal entities, forming the body corporate of a despotism? He would tolerate no beating about the bush; and upon that issue he fought to the death.

He was a most impressive figure, with his long, striking face of ghastly pallor, his straight hair falling down on either side of his cheeks, his flaming eyes, and his manner of imposing dignity. His voice was somewhat shrill, but was as effective as if it had the volume of Niagara, from the intense earnestness which vibrated in it, and the gestures which accompanied its utterances. There was nothing tropical in Calhoun's phraseology: but it possessed rather the firmness and rigidity of the crystal, close, hard, and symmetrical, and often heated to a white glow by the furnace of controlled passion from which it came. His speech on "The Increase of the Army" is characteristic, showing, as it does, his profound statesmanship and accurate knowledge of public issues.

INCREASE OF THE ARMY

Delivered in the House of Representatives of the United States, on December 12, 1811

MR. SPEAKER: I understood the opinion of the Committee on Foreign Relations differently from what the gentleman from Virginia (Mr. Randolph) has stated to be his impression. I certainly understood that the committee recommended the measures now before the House, as a preparation for war; and such, in fact, was its express resolve, agreed to, I believe, by every member, except that gentleman. I do not attribute any wilful misstatement to him, but consider it the effect of inadvertency or mistake. Indeed, the report could mean nothing but war or empty menace. I hope no member of this House is in favor of the latter. A bullying, menacing system, has everything to condemn and nothing to recommend it. In expense, it almost rivals war. It excites contempt abroad, and destroys confidence at home. Menaces are serious things; and ought to be resorted to with as much caution and seriousness, as war itself; and should, if not successful, be invariably followed by it. It was not the gentleman from Tennessee (Mr. Grundy) who made this a war question. The resolve contemplates an additional regular force; a measure confessedly improper but as a preparation for war, but undoubtedly necessary in that event.

Sir, I am not insensible to the weighty importance of the proposition, for the first time submitted to this House, to compel a redress of our long list of complaints against one of the belligerents. According to my mode of thinking, the more serious the question, the stronger and more unalterable ought to be our convictions before we give it our support. War, in our country, ought never to be resorted to but when it is clearly justifiable and necessary; so much so, as not to require the aid

of logic to convince our understandings, nor the ardor of eloquence to inflame our passions. There are many reasons why this country should never resort to war but for causes the most urgent and necessary. It is sufficient that under a government like ours, none but such will justify it in the eyes of the people; and were I not satisfied that such is the present case, I certainly would be no advocate of the proposition now before the House.

Sir, I might prove the war, should it ensue, justifiable, by the express admission of the gentleman from Virginia; and necessary, by facts undoubted, and universally admitted; such as he did not pretend to controvert. The extent, duration, and character of the injuries received; the failure of those peaceful means heretofore resorted to for the redress of our wrongs, are my proofs that it is necessary. Why should I mention the impressment of our seamen; depredations on every branch of our commerce, including the direct export trade, continued for years, and made under laws which professedly undertake to regulate our trade with other nations; negotiation resorted to, again and again, till it is become hopeless; the restrictive system persisted in to avoid war, and in the vain expectation of returning justice? The evil still grows, and, in each succeeding year, swells in extent and pretension beyond the preceding. The question, even in the opinion and by the admission of our opponents, is reduced to this single point, Which shall we do, abandon or defend our own commercial and maritime rights, and the personal liberty of our citizens employed in exercising them? These rights are vitally attacked, and war is the only means of redress. The gentleman from Virginia has suggested none, unless we consider the whole of his speech as recommending patient and resigned submission as the best remedy. Sir, which alternative this House will embrace, it is not for me to say. I hope the decision is made already, by a higher authority than the voice of any man. It is not for the human tongue to instil the sense of independence and honor. This is the work of nature; a generous nature that disdains tame submission to wrong.

This part of the subject is so imposing as to enforce silence even on the gentleman from Virginia. He dared not deny his country's wrongs, or vindicate the conduct of her enemy. Only one part of his argument had any, the most remote relation to

this point. He would not say, we had not a good cause for war; but insisted, that it was our duty to define that cause. If he means that this House ought, at this stage of its proceedings, or any other, to specify any particular violation of our rights to the exclusion of all others, he prescribes a course which neither good-sense nor the usage of nations warrants. When we contend, let us contend for all our rights; the doubtful and the certain; the unimportant and essential. It is as easy to struggle, or even more so, for the whole as for a part. At the termination of the contest, secure all that our wisdom and valor and the fortune of the war will permit. This is the dictate of common-sense; such also is the usage of nations. The single instance alluded to, the endeavor of Mr. Fox to compel Mr. Pitt to define the object of the war against France, will not support the gentleman from Virginia in his position. That was an extraordinary war for an extraordinary purpose, and was not governed by the usual rules. It was not for conquest, or for redress of injury, but to impose a government on France, which she refused to receive; an object so detestable that an avowal dared not be made.

Sir, I might here rest the question. The affirmative of the proposition is established. I cannot but advert, however, to the complaint of the gentleman from Virginia when he was first up on this question. He said he found himself reduced to the necessity of supporting the negative side of the question, before the affirmative was established. Let me tell the gentleman that there is no hardship in his case. It is not every affirmative that ought to be proved. Were I to affirm, that the House is now in session, would it be reasonable to ask for proof? He who would deny its truth, on him would be the proof of so extraordinary a negative. How, then, could the gentleman, after his admissions, with the facts before him and the country, complain? The causes are such as to warrant, or rather make it indispensable, in any nation not absolutely dependent, to defend its rights by force. Let him, then, show the reasons why we ought not so to defend ourselves. On him lies the burden of proof. This he has attempted; he has endeavored to support his negative. Before I proceed to answer him particularly, let me call the attention of the House to one circumstance; that is, that almost the whole of his arguments

consisted of an enumeration of evils always incident to war, however just and necessary; and which, if they have any force, are calculated to produce unqualified submission to every species of insult and injury. I do not feel myself bound to answer arguments of this description; and if I should touch on them, it will be only incidentally, and not for the purpose of serious refutation.

The first argument of the gentleman, which I shall notice, is the unprepared state of the country. Whatever weight this argument might have in a question of immediate war, it surely has little in that of preparation for it. If our country is unprepared, let us remedy the evil as soon as possible. Let the gentleman submit his plan, and, if a reasonable one, I doubt not it will be supported by the House. But, sir, let us admit the fact and the whole force of the argument. I ask, whose is the fault? Who has been a member for many years past, and seen the defenceless state of his country even near home, under his own eyes, without a single endeavor to remedy so serious an evil? Let him not say, "I have acted in a minority." It is no less the duty of the minority than a majority to endeavor to defend the country. For that purpose we are sent here, and not for that of opposition.

We are next told of the expenses of the war; and that the people will not pay taxes. Why not? Is it from want of means? What, with one million tons of shipping; a commerce of $100,000,000 annually; manufactures yielding a yearly product of $150,000,000; and agriculture of thrice that amount, shall we be told the country wants capacity to raise and support ten thousand or fifteen thousand additional regulars? No; it has the ability; that is admitted; and will it not have the disposition? Is not the cause a just and necessary one? Shall we then utter this libel on the people? Where will proof be found of a fact so disgraceful? It is answered: in the history of the country twelve or fifteen years ago. The case is not parallel. The ability of the country is greatly increased since. The whiskey tax was unpopular. But on this, as well as my memory serves me, the objection was not to the tax or its amount, but the mode of collection. The people were startled by the number of officers; their love of liberty shocked by the multiplicity of regulations. We, in the spirit of imitation,

copied from the most oppressive part of European laws on the subject of taxes, and imposed on a young and virtuous people all the severe provisions made necessary by corruption and long-practised evasions. If taxes should become necessary, I do not hesitate to say the people will pay cheerfully. It is for their Government and their cause, and it would be their interest and their duty to pay. But it may be, and I believe was said, that the people will not pay taxes, because the rights violated are not worth defending; or that the defence will cost more than the gain. Sir, I here enter my solemn protest against this low and "calculating avarice" entering this hall of legislation. It is only fit for shops and counting-houses; and ought not to disgrace the seat of power by its squalid aspect. Whenever it touches sovereign power, the nation is ruined. It is too shortsighted to defend itself. It is a compromising spirit, always ready to yield a part to save the residue. It is too timid to have in itself the laws of self-preservation. It is never safe but under the shield of honor. There is, sir, one principle necessary to make us a great people—to produce not the form, but real spirit of union; and that is, to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the Government, that its arm is his arm; and will rejoice in its increased strength and prosperity. Protection and patriotism are reciprocal. This is the way which has led nations to greatness. Sir, I am not versed in this calculating policy; and will not, therefore, pretend to estimate in dollars and cents the value of national independence. I cannot measure in shillings and pence the misery, the stripes, and the slavery of our impressed seamen; nor even the value of our shipping, commercial, and agricultural losses, under the orders in council, and the British system of blockade. In thus expressing myself I do not intend to condemn any prudent estimate of the means of a country, before it enters on a war. This is wisdom —the other folly. The gentleman from Virginia has not failed to touch on the calamity of war, that fruitful source of declamation by which humanity is made the advocate of submission. If he desires to repress the gallant ardor of our countrymen by such topics, let me inform him, that true courage regards only the cause, that it is just and necessary, and that it contemns the sufferings and dangers of war. If he really wishes to promote

the cause of humanity, let his eloquence be addressed to Lord Wellesley or Mr. Percival, and not the American Congress. Tell them if they persist in such daring insult and injury to a neutral nation, that, however inclined to peace, it will be bound in honor and safety to resist; that their patience and endurance, however great, will be exhausted; that the calamity of war will ensue, and that they, in the opinion of the world, will be answerable for all its devastation and misery. Let a regard to the interests of humanity stay the hand of injustice, and my life on it, the gentleman will not find it difficult to dissuade his country from rushing into the bloody scenes of war.

We are next told of the dangers of war. I believe we are all ready to acknowledge its hazards and misfortunes; but I cannot think we have any extraordinary danger to apprehend, at least none to warrant an acquiescence in the injuries we have received. On the contrary, I believe no war can be less dangerous to the internal peace or safety of the country. But we are told of the black population of the Southern States. As far as the gentleman from Virginia speaks of his own personal knowledge, I shall not question the correctness of his statement. I only regret that such is the state of apprehension in his particular part of the country. Of the southern section, I too have some personal knowledge; and can say, that in South Carolina no such fears in any part are felt. But, sir, admit the gentleman's statement; will a war with Great Britain increase the danger? Will the country be less able to suppress insurrection? Had we anything to fear from that quarter (which I do not believe), in my opinion, the period of the greatest safety is during a war; unless, indeed, the enemy should make a lodgment in the country. Then the country is most on its guard; our militia the best prepared; and our standing army the greatest. Even in our Revolution no attempts at insurrection were made by that portion of our population; and however the gentleman may alarm himself with the disorganizing effects of French principles, I cannot think our ignorant blacks have felt much of their baneful influence. I dare say more than one-half of them never heard of the French Revolution.

But as great as he regards the danger from our slaves, the gentleman's fears end not there—the standing army is not less terrible to him. Sir, I think a regular force raised for a period

of actual hostilities cannot properly be called a standing army. There is a just distinction between such a force, and one raised as a permanent peace establishment. Whatever would be the composition of the latter, I hope the former will consist of some of the best materials of the country. The ardent patriotism of our young men, and the reasonable bounty in land which is proposed to be given, will impel them to join their country's standard and to fight her battles; they will not forget the citizen in the soldier, and in obeying their officers, learn to contemn their Government and constitution. In our officers and soldiers we will find patriotism no less pure and ardent than in the private citizen; but if they should be depraved as represented, what have we to fear from twenty-five thousand or thirty thousand regulars? Where will be the boasted militia of the gentleman? Can one million of militia be overpowered by thirty thousand regulars? If so, how can we rely on them against a foe invading our country? Sir, I have no such contemptuous idea of our militia—their untaught bravery is sufficient to crush all foreign and internal attempts on their country's liberties.

But we have not yet come to the end of the chapter of dangers. The gentleman's imagination, so fruitful on this subject, conceives that our constitution is not calculated for war, and that it cannot stand its rude shock. This is rather extraordinary. If true, we must then depend upon the commiseration or contempt of other nations for our existence. The constitution, then, it seems, has failed in an essential object, "to provide for the common defence." No, says the gentleman from Virginia, it is competent for a defensive, but not for an offensive war. It is not necessary for me to expose the error of this opinion. Why make the distinction in this instance? Will he pretend to say that this is an offensive war; a war of conquest? Yes, the gentleman has dared to make this assertion; and for reasons no less extraordinary than the assertion itself. He says our rights are violated on the ocean, and that these violations affect our shipping and commercial rights, to which the Canadas have no relation. The doctrine of retaliation has been much abused of late by an unreasonable extension; we have now to witness a new abuse. The gentleman from Virginia has limited it down to a point. By his rule if you receive a blow

on the breast, you dare not return it on the head; you are obliged to measure and return it on the precise point on which it was received. If you do not proceed with this mathematical accuracy, it ceases to be just self-defence; it becomes an unprovoked attack.

In speaking of Canada the gentleman from Virginia introduced the name of Montgomery with much feeling and interest. Sir, there is danger in that name to the gentleman's argument. It is sacred to heroism. It is indignant of submission! It calls our memory back to the time of our Revolution, to the Congress of '74 and '75. Suppose a member of that day had risen and urged all the arguments which we have heard on this subject; had told that Congress, Your contest is about the right of laying a tax; and that the attempt on Canada had nothing to do with it; that the war would be expensive; that danger and devastation would overspread our country, and that the power of Great Britain was irresistible. With what sentiment, think you, would such doctrines have been then received? Happy for us, they had no force at that period of our country's glory. Had such been then acted on, this hall would never have witnessed a great people convened to deliberate for the general good; a mighty empire, with prouder prospects than any nation the sun ever shone on, would not have risen in the west. No; we would have been base subjected colonies; governed by that imperious rod which Britain holds over her distant provinces.

The gentleman from Virginia attributes the preparation for war to everything but its true cause. He endeavored to find it in the probable rise in the price of hemp. He represents the people of the Western States as willing to plunge our country into war from such interested and base motives. I will not reason on this point. I see the cause of their ardor, not in such unworthy motives, but in their known patriotism and disinterestedness.

No less mercenary is the reason which he attributes to the Southern States. He says that the Non-Importation Act has reduced cotton to nothing, which has produced a feverish impatience. Sir, I acknowledge the cotton of our plantations is worth but little; but not for the cause assigned by the gentleman from Virginia. The people of that section do not reason as he does; they do not attribute it to the efforts of their Gov-

ernment to maintain the peace and independence of their country. They see, in the low price of their produce, the hand of foreign injustice; they know well without the market to the Continent, the deep and steady current of supply will glut that of Great Britain; they are not prepared for the colonial state to which again that power is endeavoring to reduce us, and the manly spirit of that section of our country will not submit to be regulated by any foreign power.

The love of France and the hatred of England have also been assigned as the cause of the present measures. France has not done us justice, says the gentleman from Virginia, and how can we, without partiality, resist the aggressions of England? I know, sir, we have still causes of complaint against France; but they are of a different character from those against England. She professes now to respect our rights, and there cannot be a reasonable doubt but that the most objectionable parts of her decrees, as far as they respect us, are appealed. We have already formally acknowledged this to be a fact. But I protest against the principle from which his conclusion is drawn. It is a novel doctrine, and nowhere avowed out of this House, that you cannot select your antagonist without being guilty of partiality. Sir, when two invade your rights, you may resist both or either at your pleasure. It is regulated by prudence and not by right. The stale imputation of partiality for France is better calculated for the columns of a newspaper, than for the walls of this House.

The gentleman from Virginia is at a loss to account for what he calls our hatred to England. He asks how can we hate the country of Locke, of Newton, Hampden, and Chatham; a country having the same language and customs with ourselves, and descending from a common ancestry. Sir, the laws of human affections are steady and uniform. If we have so much to attach us to that country, potent indeed must be the cause which has overpowered it. Yes, there is a cause strong enough; not in that occult courtly affection which he has supposed to be entertained for France; but it is to be found in continued and unprovoked insult and injury—a cause so manifest, that the gentleman from Virginia had to exert much ingenuity to overlook it. But, the gentleman, in his eager admiration of that country, has not been sufficiently guarded in his argument. Has he re-

flected on the cause of that admiration? Has he examined the reasons of our high regard for her Chatham? It is his ardent patriotism, the heroic courage of his mind, that could not brook the least insult or injury offered to his country, but thought that her interest and honor ought to be vindicated at every hazard and expense. I hope, when we are called upon to admire, we shall also be asked to imitate. I hope the gentleman does not wish a monopoly of those great virtues for England.

The balance of power has also been introduced, as an argument for submission. England is said to be a barrier against the military despotism of France. There is, sir, one great error in our legislation. We are ready, it would seem from this argument, to watch over the interests of foreign nations, while we grossly neglect our own immediate concerns. This argument of the balance of power is well calculated for the British Parliament, but not at all suited to the American Congress. Tell the former that they have to contend with a mighty power, and that if they persist in insult and injury to the American people, they will compel them to throw their whole weight into the scale of their enemy. Paint the danger to them, and if they will desist from injuring us, we, I answer for it, will not disturb the balance of power. But it is absurd for us to talk about the balance of power, while they, by their conduct, smile with contempt at what they regard our simple, good-natured vanity. If, however, in the contest, it should be found that they underrate us—which I hope and believe—and that we can affect the balance of power, it will not be difficult for us to obtain such terms as our rights demand.

I, sir, will now conclude by adverting to an argument of the gentleman from Virginia, used in debate on a preceding day. He asked, why not declare war immediately? The answer is obvious: Because we are not yet prepared. But, says the gentleman, such language as is here held will provoke Great Britain to commence hostilities. I have no such fears. She knows well that such a course would unite all parties here—a thing which, above all others, she most dreads. Besides, such has been our past conduct, that she will still calculate on our patience and submission, until war is actually commenced.